

REPORT ON THE Alabama Historical Commission State of Alabama

Montgomery, Alabama



Department of Examiners of Public Accounts

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June 21, 2006

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Alabama Historical Commission** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Historical Commission** in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

Commission Functions under State Law

The Alabama Historical Commission was established by Act 169, *Acts of Alabama 1966* in response to the passage and implementation of the National Historic Preservation Act of 1966. The commission operates under the provisions of the *Code of Alabama 1975*, Sections 41-9-240 through 41-9-262. Under these provisions, the commission is tasked with acquisition and preservation of historic properties and education of the public on historic sites in Alabama. The commission owns, operates, or has custody of historic sites located throughout Alabama. (See the appendices of this report for a list of sites owned, operated, or administered by the commission)

In addition, the commission, in conjunction with the Alabama Department of Conservation and Natural Resources, administers Alabama's Underwater Cultural Resources Act, the provisions of which are found at the *Code of Alabama 1975*, Sections 41-9-290 through 41-9-299.2.

The commission is also tasked by the *Code of Alabama 1975*, Section 13A-7-23(1)(d) "to promulgate rules and regulations for the issuance of a permit and may issue a permit to persons or companies who seek to restore, preserve or relocate human burial remains, human skeletal remains, funerary objects, or otherwise disturb a place of burial."

The commission's enabling statutes establish a Board of Advisors to the Alabama Historical Commission consisting of no less than 15 persons. Contained in the appendices of this report is a listing of each of the societies, organizations, individuals, commissions and institutions having the authority to name one member to the board of advisors which are submitted to the chairman of the commission before each annual meeting of the commission. Also contained in the appendices are other advisory boards created under authority of the commission's enabling statutes.

The commission's headquarters are located in the historic Teague and Rice-Semple-Haardt houses located at 468 South Perry Street in Montgomery.

State Historic Preservation Officer (SHPO) Functions

SHPO functions are not specifically prescribed in state law for the Alabama Historical Commission but are carried out by its staff. The State Historic Preservation Officer carries out functions delegated to the state by the United States Department of the Interior. The SHPO is appointed by the governor to assist the federal government in performing the federal government's duties provided in the National Historic Preservation Act of 1966. Federal agencies must consult with the SHPO when identifying historic properties and assessing the effects of a federally involved undertaking on the properties. Dr. Edwin Bridges, Executive Director of the Alabama Department of Archives and History, currently holds the title of State Historical

Preservation Officer. Dr. Bridges has appointed the interim executive director of the Historical Commission, Elizabeth Brown, as Deputy State Historical Preservation Officer, and she and her staff perform the administrative functions of the State Historic Preservation Officer. Lee Warner, former executive director of the commission, was State Historical Preservation Officer until his resignation effective January 2005.

The National Historic Preservation Act of 1966, as amended, requires that federal undertakings consider the effect on any district, site, building, structure, or object included in or eligible for the National Register of Historic Places. This process, commonly known as “Section 106”, has three main goals:

- Identify historic and prehistoric properties eligible for or listed in the National Register.
- Assess the effects of the undertaking on those properties
- Seek ways to avoid, minimize, or mitigate any adverse effects on historic properties

A federal undertaking may be a direct action by a federal agency, the granting of funds by a federal agency, or granting of a permit or approval by a federal agency.

Examples of federal activities include construction, rehabilitation and repair projects, demolition, licenses, permits, loans, loan guarantees, grants, federal property transfers, and other types of federal involvement. When one of these activities has the potential to affect historic and prehistoric properties, a Section 106 review must be completed.

Under Section 106 of the National Historic Preservation Act of 1966, the Alabama Historical Commission (acting as SHPO) advises the involved federal agency on the potential of its undertakings to affect historic properties. When both parties agree that there is, or could be, an adverse effect to a historic property there are three alternatives: avoid the effect, minimize the effect, or mitigate the effect. The SHPO and the agency, in consultation with affected parties, decide what course of action to take. The federal agency is then required to obtain a letter of clearance from the State Historical Preservation Officer (SHPO) in order to proceed.

COMMISSION CHARACTERISTICS

Members	21
Term	6-year term
Selection	<p>21 members, including the following (members listed in appendices):</p> <p>Seven (7) ex-officio members:</p> <ul style="list-style-type: none">• Governor• Lieutenant Governor• Speaker, House of Representatives• Director, Department of Archives and History• Director, Bureau of Tourism and Travel• Commissioner, Conservation and Natural Resources• Director, Building Commission – Technical Staff <p>Ten (10) members appointed by the governor from nominees representing:</p> <ul style="list-style-type: none">• 1 from the University of Alabama• 1 from Auburn University• 1 from the University of South Alabama• 1 from Troy University• 1 from the University of Montevallo• 1 from the Alabama Council of the American Institute of Architects• 1 from the Alabama Historical Association• 1 from the Alabama State Chamber of Commerce• 1 from the Alabama Farmers Federation• 1 from the Alabama Archaeological Society <p>Three (3) members appointed by the governor from the state-at-large.</p> <p>The (1) chairman of the Restructured Historic Chattahoochee Commission, who serves as an ex officio policy making member of the commission.</p>
Qualifications	<p>Members who are not ex-officio members are appointed based upon their demonstrated interest in and concern about the preservation of Alabama history.</p>

Racial Representation	No statutory requirement - two black members
Geographical Representation	No statutory requirement
Consumer Representation	No statutory requirement
Other Representation	No statutory requirement
Compensation	No compensation Members are reimbursed for expenses incurred in the discharge of their duties in the same amounts as afforded to state employees and officers.

OPERATIONS

Administrator	Elizabeth Brown, Interim Executive Director Annual Salary \$76,590
Location	468 South Perry St. Montgomery, AL 36130
Employees	63 as of February 17, 2006
Legal Counsel	William Little, Assistant Attorney General
Internet Presence	The board maintains a website at www.preserveala.org . The website contains information on: <ul style="list-style-type: none"> • Preservation Programs • Historic Sites • Grants and tax credits • Volunteer opportunities • AHC archeological survey and testing policy • AHC archeological programs • Educational opportunities • Information on the National Historic Preservation Act of 1966, known as Section 106
Attended Board Member Training	September 18, 2002 Personnel Manager Grants/Contract Manager

SMART Budgeting The agency has filed SMART Budgeting reports, as required.
(See appendices)

FINANCIAL

Source of Funds Appropriations from the General Fund as well as gifts, donations,
grants, and investment income.

State Treasury Yes

Unused Funds Unexpended grants, gifts, donations, etc. are retained at year end.
Unexpended General Fund appropriations revert to the General
Fund at year end.

SIGNIFICANT ITEMS

1. The position of executive director remains vacant.

Five of the six respondents to questionnaires mailed to members of the Alabama Historical Commission indicate that the lack of a permanent executive director is a major concern.

The position of executive director, vacated by the resignation of the former executive director effective January 7, 2005, remains vacant. The commission has contracted with Boardwalk Consulting, a management consulting firm from Atlanta, Georgia to assist the commission in generating a candidate pool. The amount payable to the contractor is \$52,500 plus expense reimbursements limited to \$7,500. The contract expires September 30, 2006. Elizabeth Brown, a commission employee, is serving as interim executive director, pending selection and appointment of a new executive director.

HISTORICAL COMMISSION RESPONSE - Boardwalk Consulting has completed a leadership profile for the position of executive director and it has been shared with national and regional sources and relevant professional organizations. They are actively seeking candidates and expect to have a recommendation to the board in the late summer or early fall.

2. There is an apparent continuing shortage of funds for preservation and utilization of state-owned/operated historic sites.

Forty-six (46) of one hundred seventeen (117) respondents to questionnaires mailed by the Examiners of Public Accounts to commission members, donors to the Alabama Historical Commission, and donors to the Alabama Historical Commission Foundation, as well as statements made by ten (10) members of the commission's staff, all indicated that shortage of funds is a significant issue facing the commission. The commission's inability to maintain its historic properties and the loss of staff are mentioned as results of the shortage of funds. The loss of staff is addressed in the STATUS OF PRIOR FINDINGS section.

In addition, twelve (12) of one hundred seventeen (117) respondents to questionnaires and three (3) staff members expressed concern about the expenditure of funds by the Alabama Historical Commission at its historic properties/sites.

The expense of administration of state controlled historic sites appears to fall heavily on the commission and the state, when compared to other states. The commission's senior architectural historian has developed a report on the administration of state-owned historic sites outside Alabama, especially in the Southeast. The report states that, "although general patterns of similarity exist, ... Alabama is unusual in that virtually *all* state-owned/state-run historic sites are wholly administered through a

small, independent state agency, the Alabama Historical Commission, which also functions as the state historic preservation office. (State historic sites *not* administered by the AHC include the independently-managed Saint Stephens and Blakeley historical parks)”. The full text of this report can be found in the appendices.

The commission reported in its May 3, 2006 meeting that it is seeking alternatives to its ownership, governance, operation, and maintenance of historic properties/sites. Alternatives currently being considered include:

- Transfer of ownership, operation, maintenance, and associated costs to individuals, local preservation groups, local governments, etc.
- Operation/maintenance agreements with individuals, local preservation groups, local governments, etc. for operation and maintenance of the properties/sites where the costs are either borne entirely by the local entity or shared with the commission.

The commission is developing a list of questions to pose to the Attorney General concerning the legality of these alternatives. Some of the questions are:

- Does the Alabama Historical Commission have the authority to transfer ownership of real estate, including historic land and structures, or personal property, including historic artifacts, to any public or private organization?
- May the recipient organization be required to prove its ability to take over, demonstrate its financial condition, provide a business plan, and demonstrate an understanding of and commitment to following standards of the Secretary of the Interior and the American Association of Museums?
- Would transfer of ownership have to be processed through the State Surplus Property system?
- Do past expenditures of federal, state, and local government capital funds or directed private funds impose any restrictions?
- May the Alabama Historical Commission impose protective covenants in perpetuity in transfer of ownership?
- Does the Alabama Historical Commission have the authority to rent or lease real estate, including historic lands and structures, or personal property, including historic artifacts, to any public or private organization?
- Does the Alabama Historical Commission have the authority to contract with any public or private organization to operate and maintain a historic site owned by the Alabama Historical Commission?

In addition to posing these questions, the commission is awaiting an Attorney General's opinion on issues related to the transfer of the General Joe Wheeler home (Pond Spring) to the Friends of General Joe Wheeler Foundation, a private, non-profit group dedicated to raising funds for the restoration of the site. The Friends of General Joe Wheeler Foundation has expressed an interest in receiving the property for the purpose of preservation and operation of the site as a museum.

Concerns raised by the respondents to our questionnaires included the continuing decline of state-owned historic properties, unfinished projects at historic sites, and multiple studies being accomplished with no actual construction or repair taking place.

During the current review, the commission's accounting staff provided us with the following information for the period October 1, 2001 – April 16, 2006:

Research, Planning and Design	\$2,639,635
Construction	\$2,832,963
Repairs and Maintenance	\$ 616,990

The information provided on capital outlay expenditures (research, planning, design, and construction) is included in the appendices of this report.

- Mark Driscoll, Head of the Historic Sites Division of the Alabama Historical Commission provided explanations of the capital outlay phases as follows:
- **Research** includes historical and archaeological investigations that aim to document the history of a site, including original and subsequent appearance and finishes of extant buildings. It also includes the location and functions of earlier support structures, which no longer exist, or evidences of prehistoric cultures that may have inhabited a site. It can include technical research to determine structural integrity or the appropriateness of restoration techniques. Research is listed among the powers and duties of the Alabama Historical Commission and is inherently mandated in the work of any history-based organization. It provides the framework for accurate restorations, interpretation, and sound restoration techniques.
- **Planning** establishes the short and long-term goals and priorities for restoration and interpretation of historic sites. It provides a basis for developing financially sustainable projects, for seeking funding and support for major restoration projects. Planning is essential for large, complex projects, which will be carried out over a long period and for which funds will be acquired in small increments. It provides agreed-upon goals and a series of steps that help to eliminate the wastefulness that occurs when ad hoc decisions are made based on personal preferences and without reference to the long-term goals or rational priorities. Many funding sources require evidence of solid planning. Planning is not required by state law or rule.

- **Design** consists of the architectural or engineering drawings and specifications that direct the work of construction/restoration contractors. Alabama law or Building Commission rules mandate professional design services for public and state owned structures.
- **Construction** is the implementation phase of plans and carries out the professionally developed designs and specifications based on solid, factual research. Construction is not required by state law or rule.

Driscoll further explained that planning projects can include design services and that design services may also include needed research not done in earlier phases. The proportion of planning, research and design in relation to construction varies depending on the period selected for review. For example, a period which includes implementation of plans created in an earlier period would show a higher percentage of construction costs relative to other costs.

HISTORICAL COMMISSION RESPONSE - The Commission continues to actively seek grants to support capital projects at historic sites. In the last five years, \$1,068,152 in federal grants and \$341,500 in private contributions have been secured for work at historic sites. At Pond Spring, the electrical contract (which has long been outstanding when the contractor walked off the job) has been completed, and plans for structural work are underway. The Commission has continued to ask for increased general fund money for historic sites for both operations and capital projects.

The Commission is pursuing alternative operation agreements with interested local groups who have interest in and ability to assist with local operation of historic sites.

3. Alabama Historical Commission funds/donations were deposited to the bank accounts of the Alabama Historical Commission Foundation, Inc.

Funds were deposited to the bank accounts of the Alabama Historical Commission Foundation, Inc. that would normally have been deposited in the Commission's State Treasury accounts.

In the report on the results of the last compliance examination of the Alabama Historical Commission by the Examiners of Public Accounts, the examiners identified two instances of funds being deposited in the account of the Alabama Historical Commission Foundation, Inc. that normally would have been received by the commission and deposited into the State Treasury. During this review, we determined that during the period June 3, 2002 – February 3, 2005, on at least twenty-five (25) additional occasions, funds/donations totaling \$120,601.35 that normally would have been received by the Commission and deposited into the State Treasury were deposited to the bank accounts of the Alabama Historical Commission Foundation, Inc. A listing of the donors, the amounts of donation, and restrictions on donations (if any) is contained in the appendices of this report.

HISTORICAL COMMISSION RESPONSE - The Foundation chairman will call a meeting before the next Commission meeting with the intent to dissolve the Foundation, and deposit the funds from the Foundation with the appropriate project restrictions in the Commission's 785 account.

4. **Neither the Alabama Historical Commission nor the Alabama Historical Commission Foundation had sufficient accounting devices in place to insure that donated funds were expended for the purpose for which they were donated.** A recent prior examination by the Examiners of Public Accounts revealed that donations to the Historical Commission earmarked for a Confederate Memorial Park were improperly accounted for and expended for other purposes. (See the STATUS OF PRIOR FINDINGS section of this report). In addition, the foundation's chairman and treasurer both stated that they were not aware of procedures to insure that donations were expended for the purposes for which they were donated. (See the ALABAMA HISTORICAL FOUNDATION, INC section of this report)

The accounting procedures of the Alabama Historical Commission have been modified to ensure that all restricted donations/funds are properly identified, separated, and expended for the intended purpose. The foundation is described by its chairman as "defunct".

HISTORICAL COMMISSION RESPONSE - No response.

5. **The commission failed to make an appropriated transfer of funds.**

The commission failed to transfer funds received by legislative appropriation that were earmarked for the moving/restoration/renovation of the Nat King Cole house. The Alabama Legislature appropriated \$75,000 per year for fiscal years 2000 and 2001 to the Alabama Historical Commission earmarked for the Nat King Cole Project administered by Alabama State University. The commission transferred the FY 2000 funds in a timely manner but failed to make the FY 2001 transfer of funds to Alabama State University. Upon notification by Representative Alvin Holmes, and verification by commission staff that the FY 2001 transfer was delinquent, commission staff made the transfer to Alabama State University on February 2, 2006.

HISTORICAL COMMISSION RESPONSE – No response.

6. **Record-keeping practices of the commission prevented the Examiners of Public Accounts from determining the extent and nature of all mitigation settlements.**

Under Section 106 of the National Historic Preservation Act of 1966, the State Historical Preservation Office (Historical Commission's office) advises federal agencies regarding the potential of their undertakings to affect historic properties in Alabama. Federal agencies become involved when projects that affect historic properties require a federal permit, when the projects occur on federal land, or when

the projects are federally subsidized. When the federal agency and the State Historical Preservation Office (SHPO) agree that there is, or could be, an adverse effect to a historic property, action is taken to avoid the effect, or mitigate (reduce) the effect. The federal agency enters into a memorandum of agreement with the State Historical Preservation Officer (SHPO) on what will be done in order to proceed with the undertaking. At times the federal agency may streamline the process by simply advising the project manager to obtain a letter of clearance from the SHPO (commission staff) as a condition of proceeding with the project. In such instances, a formal memorandum of agreement may not be created.

During a survey of donors to the Alabama Historical Commission Foundation, the Examiners of Public Accounts received communications and documentation concerning a mitigation settlement administered by the Alabama Historical Commission's office in its role as the State Historic Preservation Office. The documentation shows that a monetary payment was required from a private contractor who, in the process of building a bank had mostly destroyed two historic houses. The involved federal agency (Federal Deposit Insurance Corporation) advised the contractor to obtain a letter of clearance from the SHPO (commission office) in order to proceed with the project. The documentation revealed a mitigation settlement agreed to by the contractor as a condition of receiving the clearance letter. The settlement included production of a formal historical record of the houses, a \$5,000 donation to a historical organization concerned with the neighborhood in which the historical houses were located, and a \$5,000 contribution to the Alabama Historical Commission Foundation, Inc. Because it was not clear how a contribution to the foundation could mitigate the effects of damage to the historical properties, the commission's staff was asked to provide copies of all mitigation settlements for the previous five (5) years in order to further determine the nature and extent of this practice.

The commission's staff provided copies of fifty-one memorandums of agreement (MOA), none of which contained settlements requiring monetary payments to the Alabama Historical Commission Foundation, Inc. When asked why the mitigation settlement documents showing the payment to the foundation received by the Examiners had not been included in fifty-one records presented, the staff stated that the case in question did not contain a formal memorandum of agreement. Staff members explained that cases which do not contain a formal MOA are not considered "mitigation settlements" and, therefore, are maintained separately from those cases containing a formal MOA. The staff stated the mitigation settlements that do not contain a formal MOA could not be readily identified within their current record keeping structure and further stated that the identification of all settlements of this type, without identifying information such as an AHC tracking number or site/project name, could take as long as several months due to the staff's inability to estimate the number of records to be identified and a lack of personnel to dedicate to this task. Due to the deadline for production of this report, the Examiner did not ask the commission's staff to produce the non-MOA mitigation settlements at this time.

Further information on mitigation settlements is included in the appendices of this report.

HISTORICAL COMMISSION RESPONSE - In reviewing federal projects through section 106 of the Historic Preservation Act to determine whether a project will effect historic properties, the Commission has emphasized two things: 1) insuring we have positive outcomes for preservation 2) applying the process equally for all applicants.

The Commission's record-keeping procedures now track of projects which may require modification or mitigation, but for which no formal Memorandum of Agreement was developed. The Commission is pleased to have made this change recommended by the examiners.

7. Legislation was unsuccessfully introduced in the 2006 regular legislative session to modify the commission's membership, limit certain expenditures by the commission, and to provide for an annual audit of the commission.

House Bill 559, sponsored by Representative Wood, was introduced to abolish the current commission and create a new commission. The proposed bill did not pass but would have had the following effect on the commission:

- Increase commission membership to twenty-one (21) members.
- Divide the state into ten (10) historical districts and provide for the appointment of a commissioner from each one
- Provide for certain ex-officio members
- Provide for the Governor to appoint a commission member from
- The Sons of Confederate Veterans
- The United Daughters of the Confederacy
- The Sons of the American Revolution
- The Daughters of the American Revolution.
- Prohibit the employees of the Alabama Historical Commission from representing any organization either by employment or appointment to the commission.

House Bill 560, sponsored by Representatives Galliher and Wood, was introduced to provide further for the processing and approval for spending the commission's operating funds and to provide for an annual audit of the commission. The proposed bill did not pass, but would have changed how the commission operates as follows:

- Limit the salaries of the commission employees to 50 percent or less of the total funds allocated by the state to operate the Alabama Historical Commission
- Limit administrative costs, including equipment purchases, to 15 percent or less of the total funds allocated by the state to operate the Alabama Historical Commission

- Require the expenditure of all funds to be monitored by the state Department of Finance to ensure that all expenditures are properly authorized, certified, and verified before being dispensed from the account for any reason
- Require an annual audit of the Alabama State Historic Preservation Fund
- Prohibits the formation of any other funds, organizations, or foundations by the Alabama Historical Commission.
- Require any existing funds, foundations, or organizations to be disbanded and all moneys therein to be transferred to the Alabama State Historic Preservation Fund

HISTORICAL COMMISSION RESPONSE – No response.

STATUS OF PRIOR FINDINGS

1. Prior Finding -The commission has downsized its staff due to financial difficulties.

At its May 4, 2005 meeting, the commission discussed its financial situation. The April financial statements indicated that, due to shortfalls in projected revenues and state budget cuts, the budget for the commission was approximately \$700,000 out of balance, and the shortfall was expected to balloon to \$1.3 million by the 2006 fiscal year. The commission elected to take \$683,199 from the Transco settlement trust fund to cover the fiscal year 2005 difference, and voted not to authorize merit salary increases for the remainder of the 2005 year. In order to cut future expenses, the commission voted to lay off approximately 25% of its work force, or about 30 employees. Once the layoffs were announced, thirteen employees transferred to other agencies, and five reverted to prior positions with lower salaries. Roughly fourteen people were actually laid off or otherwise separated from employment.

Current Status

According to the June 24, 2005 payroll register obtained from the Department of Finance, the Alabama Historical Commission had 103 employees with an annual salary of **\$3,163,087.72**. By November 23, 2005, staff had been reduced by a total of forty-three (43) employees (a reduction of approximately **42%** of staff) due to lay-offs (14), transfer (17), resignation (7), or retirement (5) resulting in an annual salary reduction of approximately **28%**.

According to the February 17, 2006 payroll obtained from the Department of Finance, the commission had sixty-three (63) employees with a combined annual payroll of **\$2,274,097.00**:

- Twenty-nine (29) employees assigned to the commission headquarters in Montgomery with annual salaries totaling **\$1,338,628.46**
- Thirty-four (34) employees assigned to the commission owned historic sites with annual salaries totaling **\$935,468.54**.

HISTORICAL COMMISSION RESPONSE – No response

- 2. Prior Finding - The Department of Examiners of Public Accounts received communications questioning the commission’s permitting process under the Underwater Cultural Resources Act and the authority of the commission to issue such permits on a statewide basis.**

Scope of Act is Statewide, With Limits

The Alabama Historical Commission’s duties and powers include those provided in the *Code of Alabama 1975*, Sections 41-9-290 through 41-9-299.2, known as the “Alabama Underwater Cultural Resources Act”. This act, which became effective September 1, 1999, defines underwater cultural resources as “all abandoned shipwrecks or remains of those ships and all underwater archaeological treasures, artifacts, treasure troves, or other cultural articles and materials, whether or not associated with any shipwreck, *that are contained in or on submerged lands belonging to the State of Alabama and the sea within the jurisdiction of the state*, and that have remained unclaimed for more than 50 years, excluding therefrom sunken logs, cants, and timber resources of any other type not associated as part of a shipping vessel, and are eligible for, or listed in, the National Register of Historic Places or the Alabama Register of Landmarks and Heritage.”

The “Alabama Underwater Cultural Resources Act” declares the underwater cultural resources to be subject to the exclusive dominion and control of the State of Alabama, and designates the Alabama Historical Commission as the official custodian of state cultural resources within the jurisdiction of the State of Alabama while also providing for the management of the resources and the *issuance of permits to “any qualified individual, company, corporation, or public institution desiring to conduct any type of exploration or excavation of cultural resources... if the commission finds that the granting of a permit or contract is in the best interest of the state, it may, subject to the other provisions of this division, grant the applicant a permit or contract for a period of time and under those terms and conditions as the commission considers to be in the best interest of the state.”*

The language of the act appears to grant authority to the commission to issue permits relative to underwater cultural resources that meet the following conditions:

- Are contained in or on submerged lands belonging to the state or are under the sea within the jurisdiction of the state, and
- Have remained unclaimed for more than 50 years, and
- Are eligible for, or listed in, the National Register of Historic Places or the Alabama Register of Landmarks and Heritage, and
- Do not consist of timber resources not associated as part of a shipping vessel.

Activity Without a Permit is a Criminal Act

The “Alabama Underwater Cultural Resources Act” further declares “A person commits the crime of theft or disturbance of a cultural resource protected by the commission if the person ...intentionally and knowingly removes, alters, disturbs, or destroys any cultural resource without the *prior written authorization of the commission by permit or contract* or knowingly buys, receives, conceals, aids in the concealment of, or possesses any illegally obtained cultural resources.” The commission of such crime shall constitute a Class A misdemeanor if the value of the cultural resources is less than \$1000 and shall constitute a Class C felony if the value of the cultural resources is \$1000 or more and all equipment used directly in connection with the offense(s) shall be seized. All law enforcement agencies and officers, state and local, are directed to assist the commission in the enforcement of this act.

The Department of Conservation and Natural Resources and the Federal Army Corps of Engineers are Involved in the Permitting Process

Persons engaged in archaeological activities on federal properties (i.e. national monuments or national forests) must obtain federal permits. Permits for underwater archaeological activities within the state must have the approval of the Department of Conservation and Natural Resources while underwater activities within navigable waterways must have the approval of the Army Corps of Engineers.

Permits Issued by the Historical Commission

Excavation and Salvage Permits Require an Approved Archaeologist

The Alabama Historical Commission issues three types of permits under the terms of the “Alabama Underwater Cultural Resources Act”.

TYPE OF PERMIT	PURPOSE OF PERMIT
Recreational dive permit	To dive in state-controlled waters for recreational purposes, or for dive instructors teaching dive classes
Survey and Identification	To search Alabama's waters for anomalies that may prove to be cultural resources. Search methods usually include non-invasive techniques such as scanning the water bottom with a magnetic-sensing device or side-scanning sonar as well as limited hand fanning or probing with a solid-core probe
Excavation and Salvage	For those who have found promising anomalies and wish to do more intensive investigation requiring greater amounts of disturbance in the water bed in order to positively identify target vessels or items. Any excavation and salvage work must be supervised by a qualified archaeologist.

All three types of permits are issued for six months with one extension allowed.

Commission Rules Governing the Process of Issuing of Permits

The commission has adopted the following administrative rules found in the Alabama Administrative Code Section 460-X-12-.01, a process for issuing the various permits.

- The permittee submits a written request for a permit, including the coordinates of the search area, the nature of the search or excavation, and, if seeking an excavation and salvage permit, the names of project archaeologists and their qualifications.
- The State Archaeologist prepares a draft of the permit using language specified in the "Alabama Underwater Cultural Resources Act" and asks the permittee if the general guidelines set forth in the permit are sufficient. If any changes are requested, they will be included in the permit as attachments.
- The State Archaeologist submits the permit and any attachments to the Department of Conservation and Natural Resources for review. If the proposed search area requires additional permits from the Army Corps of Engineers or other parties, the Department of Conservation and Natural Resources will alert the State Archaeologist.

- The proposed permit is submitted to the commission's Maritime Advisory Council for review. Any changes that the Department of Conservation or the Maritime Advisory Council makes to the permit will automatically restart the review process.
- Once all necessary reviews have been completed, the commission's executive director and the permittee sign two copies of the permit – one for the commission's files, and one for the permittee.

Approved Archaeologists on Commission's Internet Website

The commission maintains a listing of approved professional archaeologists on its website. State Archaeologist Tom Maher stated that this listing was for the convenience of those persons or entities seeking the services of a local archaeologist. He further stated that upon approval by the Council of Alabama Archaeology and the Alabama Historical Commission, any archaeologist could be added to the list of approved professional archaeologists maintained by the Alabama Historical Commission. Maher stated that he personally verifies the qualifications of archaeologists supervising permitted activities.

Qualifications of Archaeologists

The state of Alabama does not professionally certify or license archaeologists. The commission has instituted, through its Administrative Code Sections 460-X-9-.01, 460-X-9-.02, and 460-X-9-.03, requirements and procedures for archaeologists to become approved.

Alabama Administrative Code, Section 490-X-9-.01 states, in part,

- *All professional archaeologists must apply to and be approved by the Council of Alabama Archaeology and the Alabama Historical Commission in order to conduct archaeology within the state.*
- *All professional archaeologists must be certified by the Society of Professional Archaeology (SOPA) for their specific field of endeavor, i.e., prehistoric, historic, field work, etc., prior to application for consideration by the Alabama Historical Commission and the Council of Alabama Archaeology.*
- *All professional archaeologists wishing to conduct archaeology within the state and having been certified by SOPA shall submit to the Alabama Historical Commission a resume and vita for review and determination by the Alabama Historical Commission and the Council on Alabama Archaeology."*
- Phase II investigations shall not be initiated without consultation with the Alabama State Historic Preservation Office (ALSHPO) and the approval of a testing program.

- The purposes of these standards are to specify clearly and unequivocally the minimum requirements necessary to complete an archaeological survey, and to provide standardized criteria by which the State Historic Preservation Office will evaluate the archaeological segments of cultural resource assessments.
- *The minimal professional qualifications in archaeology are a graduate degree in archaeology, anthropology or closely related field, plus:*

At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management.

At least four months of supervised field and analytic experience in general North American archeology; and

Demonstrated ability to carry research to completion.

“In addition to these minimum qualifications, professional archaeologists should have at least one year of full-time professional experience at a supervisory level in the study of prehistoric and/or historic archaeological resources. Documentation (in the form of official graduate transcripts and a curriculum vitae) should be submitted to the State Historic Preservation Office prior to the commencement of fieldwork or should accompany the survey report.”

Alabama Administrative Code, Section 490-X-9-.03, concerning requirements and professional qualifications for Submerged Cultural Resources Survey, states, in part,

- “The purposes of these standards are to specify clearly and unequivocally the minimum requirements necessary to complete a submerged resource survey of a permit area approved by the Alabama Historical Commission as the State Historic Preservation Office (SHPO) and to provide standardized criteria by which the SHPO will evaluate the results of the research efforts.
- ...Documentation in the form of official graduate transcripts and a curriculum vitae shall be submitted to the SHPO with any research request. *The principal investigator for each submerged resource investigation shall meet the minimal professional qualifications which include a graduate degree in archaeology, anthropology, or closely related field, plus: At least one year full-time professional experience or equivalent specialized training in archaeological research, administration, or management; at least four months of supervised field and analytical experience in general maritime archaeology; demonstrated ability to carry research to completion. In addition to these minimum qualifications, professional archaeologists*

should have at least one year of full-time professional experience at a supervisory level in the study of marine archaeology.”

Commission Activities Have Basis in Federal Law

The Alabama Historical Commission, in its Alabama Administrative Code Section 460-X-5-.01, adopted by reference 36 CFR Part 800, Executive Order 11593, and the National Historic Preservation Act of 1966, as amended, as the rules for environmental review projects. 36 CFR Part 800 outlines the obligations of the Advisory Council on Historic Preservation, federal agencies, and state historic preservation officer for protecting historic and cultural properties.

Current Status

The commission has amended its administrative rule governing permits (Rule 460-X-12-.01). The amended rule addresses the process for issuing the various permits under the Underwater Cultural Resources Act. The amendments clarified the terms and definitions used in the rule, changed the length of time for permits, and deleted the requirement for Sport and Recreational Divers Permit. This amendment became effective March 24, 2006.

The commission has also filed a Notice of Intended Action to repeal Rule No. 460-X-9-.01, which requires commission approval of professional archaeologists to conduct archaeology within the state. This change would remove the requirement for commission approval of professional archaeologists who conduct archaeological surveys in Alabama.

A Notice of Intended Action was also filed to amend Rule No. 460-X-9-.02 which establishes guidelines for conducting archaeological surveys. The proposed change clarifies standards for archaeological surveys and standards for testing and reports in the conduct of surveys required in cultural resource assessments necessary for compliance with federal laws and regulations.

HISTORICAL COMMISSION RESPONSE - Approved Archaeologists on the Commission's Internet web site - The existence of administrative rules concerning the regulation of archaeologists would lead to a reasonable conclusion that the Commission was regulating the profession, but the Commission has never done so. There is a list of archaeologists on the Commission's web site, maintained for the convenience of the public who may need an archaeologist as a part of a federal project review, but it has always contained a disclaimer that the Commission makes no judgment of the qualifications of the persons on the list. In order to view the list one must click on a box that states one understands that the Commission has not verified the qualifications of persons on the list. The state archaeologist has only verified the qualifications of archaeologists who are part of underwater permits.

The Commission has completed the public process to delete these administrative rules, the final rule has been adopted, and we expect them to become effective on June 14, 2006.

No response was received concerning other aspects of this item.

3. Prior Finding - Personnel Actions, Related Expenditures, and Ethics Problems

Prior Finding - In June 2002, Mr. Warner hired Persijs Kolberg, Ph.D. as site director for Fort Morgan. A letter dated April 8, 2002 from Lee Warner to Douglas Lunsford, Manager Special Projects - State Personnel Department, Mr. Warner requested that Dr. Kolberg be hired at a salary level above the minimum entry level salary for the position. He stated in the letter that Dr. Kolberg expressed a great interest in working for the Commission and was willing to accept a pay cut from what he previously earned. The letter stated that the State's salary range for the position was substantially lower than the last position Dr. Kolberg held in California. Dr. Kolberg agreed to accept employment at the salary approved by the State Personnel Department.

In May 2002, the Commission purchased a house built in 2000 located in Gulf Shores, Alabama. A refrigerator to be used in the house was also purchased by the Commission. Dr. Kolberg and his wife reside in the house and do not pay rent. A state car is also assigned to him. In a letter dated August 15, 2003 from Lee Warner to Seth Hammett, Speaker of the House of Representatives, Mr. Warner stated that "Fort Morgan is, as you know, a large site which has highly significant challenges - both financially and programmatic. As we worked to find a Site Director with the experience and ability to successfully deal with these, it became obvious to us that we could not be successful in finding this person within the rigid salary limitations of the state personnel system. Accordingly, we determined to provide housing to the director as part of our compensation package. We carefully researched the legality and appropriateness of this kind of action and secured the assent of State Personnel Department." The letter also contained an excerpt from the Commission's policy manual which provides that Commission employees may be required to live on Commission-owned property in order to "1) provide someone on site to tend a property; 2) provide an off-hours presence on-site; 3) have a key employee live in the community that forms the base of support for a historic site; 4) provide a wage enhancement in areas with a high cost of living."

We discussed the purchase of the house in great length with the Commission's Administrative Services Supervisor, Clara Hudson, who informed us that Mr. Warner secured the approval of State Personnel and the Attorney General's Office to purchase the house. We reviewed the minutes for the April 3, 2002 Executive Committee Meeting and noted in Mr. Warner's Director's Report that a house was being purchased in Gulf Shores to be used by the new site director at Fort Morgan and the purchase of the house had been approved by the Attorney General's Office and the State Personnel Department. We contacted the State Personnel Department

and the Office of the Attorney General to substantiate Mr. Warner's and other employees' statements to us and to the Commission and we determined that no such approvals were obtained. Also, there was a mobile home on-site at Fort Morgan in which the former site manager lived. It does not appear that the purchase of newly-built living accommodations that are not located on a historical site is authorized by the statutes governing the Commission.

The May 6, 2005 response by the Commission to the above finding contained in the 2005 Sunset Review was:

- ***Purchase of house at Gulf Shores*** – “...our representative at the Attorney General’s office states that our authority at Ft. Morgan extends to activities “necessary and convenient” to our purpose, and he believes that the purchase of the house is convenient to our purpose. The commission will, however, re-evaluate our policy and this purchase in light of your concerns.”

Ms. Elizabeth Brown, Interim Executive Director, stated on June 28, 2005 that Mr. Kolberg was one of the employees to be laid off by the commission effective July 8, 2005. She further stated that Mr. Kolberg would vacate the residence and the commission would decide whether to rent or sell the property. A report of June 30, 2005 in The Birmingham News quotes Commission Chairman Bill Drinkard as saying, “We’ll have to trim programs, so what we’re trying to do is to try to divest ourselves of properties that we don’t think we need.” The report further indicates the Gulf Shores home tops a list of properties to be sold.

Current Status

Utilizing the services of the Department of Conservation State Lands Division, the commission sold the property on February 15, 2006 for \$230,000. The proceeds were deposited into the commission’s operating fund.

HISTORICAL COMMISSION RESPONSE – No response.

4. Prior Finding – Confederate Memorial Park

The Confederate Memorial Park was established by an act of the Alabama Legislature in 1964. The Park was transferred from the Department of Conservation and Natural Resources to the Alabama Historical Commission on October 1, 1971 by Act No. 665, Acts of Alabama, which gave the Alabama Historical Commission full authority to develop, renovate, restore, preserve, maintain, operate, exhibit, and publicize the Park. The park consists of 102 acres of developed and undeveloped land located on the extreme southeastern edge of Chilton County in the historic Mountain Creek area. The Park encompasses the site of Alabama’s only Confederate Soldier’s home built in 1901. At its peak of operation, the home included 22 buildings, including living quarters for veterans of the War Between the States, some spouses and widows of the veterans, a hospital, dining hall, and administration building. During its peak

occupancy from 1914 to 1918, the home housed 104 occupants. The home officially closed in 1939. Very little remains today of the buildings which made up the home. The most visible reminders of the home are two cemeteries that collectively contain the graves of 298 veterans and 13 spouses. The Park has been developed as a historical and recreational site, and it includes a museum, picnic facilities, and a nature trail. A park manager is responsible for the day-to-day operations and maintenance of the Park.

Visitors to the Park are required to contact the park manager for access to the small log cabin currently used for the museum, which provides limited and unsuitable space for historical artifacts and exhibits. A newer and larger museum building stands completed, but its exhibit space has remained empty since 2001. Part of the new museum building is currently used for storage of some artifacts and for a small office for the park manager. The preservation-quality climate control system is always on – heating, cooling, and dehumidifying the entire building. The majority of the space inside the museum building is empty because planned display cases and exhibits have not been purchased and installed. Visitors to the Park are not currently allowed inside the new museum building. The park manager instead guides visitors through the smaller log cabin building that does not have adequate climate control systems or archival quality lighting to preserve the artifacts that are currently displayed, and does not have space to accommodate additional artifacts now stored in the new museum building.

The *Code of Alabama 1975*, Section 40-8-3 levies a state ad valorem (property) tax on all property in the amount of \$0.65 on each \$100 of assessed value of taxable property (6.5 mills). Of the 6.5 mills, 1 mill (\$0.10 on each \$100 of assessed value of taxable property) is earmarked for the relief of Confederate soldiers and sailors, resident citizens of Alabama, and their widows; however, 1 percent of this 1 mill is first earmarked for expenditure by the Alabama Historical Commission to provide for capital improvements and maintenance at the Confederate Memorial Park at Mountain Creek, Chilton County, Alabama. The 1 mill is initially deposited into the Confederate Pension Fund 323 and subsequently 1 percent is transferred from Fund 323 to the Alabama Historical Commission.

During the period October 1, 1994 through June 30, 2005, the Department of Finance State Comptroller's office transferred \$3,213,269 of ad valorem taxes from the Confederate Pension Fund 323 to the State Historic Preservation Fund 365, which is the main operating fund for the Alabama Historical Commission. The transfers were coded to Organization Code 0036 – Confederate Memorial Park. Other receipts deposited and credited to the Park during this period totaling \$238,431 consisted of interest on invested funds, donations, and other miscellaneous revenues generated by the Park.

The receipts recorded by the Alabama Historical Commission for the Park do not include \$66,580.00 that was received by the Commission during the 2001-2002 fiscal year for the sale of timber harvested from the Park's property.

During the period October 1, 1994 through June 30, 2005, the Alabama Historical Commission recorded disbursements for capital improvements and maintenance for the Park within its main operating fund, State Historic Preservation Fund 365, using the Organization Code 0036 – Confederate Memorial Park. The disbursements include salaries and employee benefits for state employees who work at the Park (including the park manager), for the maintenance and operation of the Park and its facilities, for professional services, and for capital outlay (permanent improvements). The most significant capital outlay disbursements were made during the 1999-2000 and 2000-2001 fiscal years when the new museum building was constructed at a cost of approximately \$530,000.

In addition to the disbursements recorded in the State's accounting system using Organization Code 0036 – Confederate Memorial Park, the Alabama Historical Commission in its manual accounting records recorded an amount equal to 15% of the ad valorem tax receipts transferred from the Confederate Pension Fund 323 as an "administrative cost allowance" to offset the costs of processing disbursements, purchasing, maintaining accounting records, and other activities performed by central office staff on behalf of the Confederate Memorial Park. According to Commission employees, this has been done for many years upon instructions from former executive director Lawrence Oaks. According to Commission employees, there was an informal agreement between Mr. Oaks and the manager of Confederate Memorial Park that the 15% administrative cost allowance would be subtracted for the purposes of calculating the balance of the Confederate Memorial Park funds. Commission employees were unable to locate any written documentation of this agreement nor does it appear that the Alabama Historical Commission approved this arrangement in its minutes. In addition, specific legal authority for the 15% administrative cost allowance is not included in the enabling statutes for the Commission.

Unfortunately, the balance of the funds earmarked for Confederate Memorial Park is not separately accounted for in the State's accounting system; as a result, the balance of the earmarked funds is commingled with other Commission funds in the State Historic Preservation Fund 365. The Alabama Historical Commission has maintained manual accounting records to separately account for the Confederate Memorial Park funds; however, during our review of the accounting records, we noted some inconsistencies and errors. We used a combination of the manual records and other records maintained by the Department of Finance State Comptroller's office and the State Treasurer to determine the receipts, disbursements, and balance of the funds earmarked for the Confederate Memorial Park.

Current Status

The exhibit space in the park's new museum remains empty. Part of the new museum building is currently used for storage of some artifacts and for a small office for the park manager. The preservation-quality climate control system is always on – heating, cooling, and dehumidifying the entire building. During its May 3, 2006 meeting, the Alabama Historical Commission reported that the design phase for

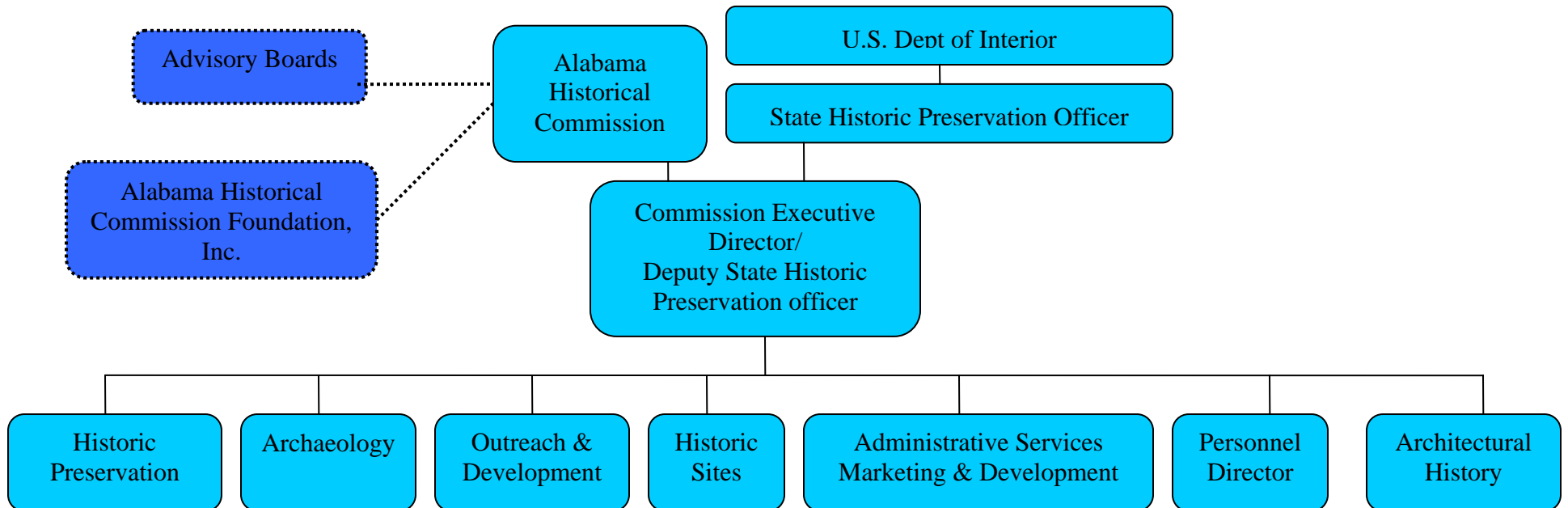
construction of display units has been completed and a Request for Proposal (RFP) for construction of the display units had been sent out. Estimates for completion of the planned construction range from 4-6 months with an estimated opening date for the museum in April 2007.

The commission is now using actual costs to determine the administrative cost allowance for processing disbursements, purchasing, maintaining accounting records, and other activities performed by central office staff on behalf of the Confederate Memorial Park. Lisa Jones, staff employee, stated the actual administrative costs for Confederate Memorial Park have been much lower than the 15% allowance used in the past. She further stated the actual costs will be used to determine a basis for projecting the Confederate Memorial Park administrative cost allowance budget in future years.

The commission now maintains separate accounting records for Confederate Memorial Park funds. The funds appropriated to the Confederate Memorial Park which had been commingled with Alabama Historical Commission funds were identified and separated. Funds that had been expended for other purposes were replaced with unearmarked funds.

HISTORICAL COMMISSION RESPONSE – No response.

ORGANIZATION



Structure and Duties

(Information provided by Elizabeth Brown, Interim Executive Director,)

AHC Division	Division Duties / Programs Administered
Executive Director, Interim	<ul style="list-style-type: none"> Serves as <u>Deputy</u> State Historic Preservation Officer [Dr. Edwin Bridges, Director of the Dept. of Archives & History is State Historic Preservation Officer] General supervision of budget and programs (acting under direction of the commission) Coordination of commission meetings, etc.
Historic Preservation	<ul style="list-style-type: none"> Alabama Register of History and Landmarks Main Street Program Cemetery program National Register of Historic Places Planning programs Certified Local Governments Program Architectural and archaeological survey Environmental review ("Section 106") Federal preservation plan Underwater cultural resources
Outreach and Development	<ul style="list-style-type: none"> Newsletter Annual preservation conference Grants Mailing list Press releases Website Other public information functions
Historic Sites	<ul style="list-style-type: none"> Interpret Alabama history using AHC sites Budget Exhibits Programs Repair and maintenance Capital projects for all historic sites Collection of admissions Sale of gifts

Architectural History	<ul style="list-style-type: none"> • Endangered landmarks program (working with local people to save significant buildings) • Annual “Places in Peril” Program (a list of important historic buildings threatened by demolition) • On-line “Preservation Scoreboard” featuring preservation success stories • Research • Scholarly writing • Provide assistance concerning architectural history to other staff and local preservationists
Administrative Services Marketing and Development	<ul style="list-style-type: none"> • Budgeting • Accounts receivable • Accounts payable • Marketing • Contracts • Federal grant management
Personnel	<ul style="list-style-type: none"> • Personnel • Payroll • Cross checks disbursement vouchers to payables

Overlap/Similarity of Duties with Duties of Other Agencies

Department of Archives and History

Both the Alabama Historical Commission and the Alabama Department of Archives and History are engaged in preserving Alabama’s history. The commission’s preservation activities are focused on the preservation of historical sites while the department’s preservation activities focus on preservation of historical records. Both agencies are engaged in interpreting Alabama’s history to the public. Both agencies are engaged in collecting historical artifacts and presenting them to the public, the commission through its historical sites and the department through its museum. Both agencies are engaged with historical societies at the local level.

Although State Historical Preservation Officer (SHPO) duties are assigned to the Director of the Alabama Department of Archives and History, they are administered and funded at the Alabama Historical Commission. Dr. Edwin Bridges, Director of the State of Alabama Department of Archives and History is currently the State Historic Preservation Officer (SHPO). Dr. Bridges stated that he signed a letter authorizing Elizabeth Brown, Interim Director of the Alabama Historical Commission, to perform the duties of SHPO in his behalf.

The State Historic Preservation Officer(SHPO) administers the national historic preservation program at the state level, reviews National Register of Historic Places nominations, maintains data on historic properties that have been identified but not yet nominated, and consults with federal agencies during Section 106 reviews(36 CFR 800) . SHPOs are designated by the governor of their states or territories. Under 36 CFR 800 Federal agencies must consult with the appropriate SHPO when identifying historic properties and assessing the effects of a federally involved undertaking on historic properties.

The Director of the Department of Archives and History is an ex officio member of the Historical Commission.

Department of Economic and Community Affairs

The administration of the commission's Main Street Program is similar to programs of the Alabama Department of Economic and Community Affairs (ADECA).

The commission's Main Street Program is a downtown revitalization program for cities with a population of 50,000 or less. The program promotes progressive marketing and retail management techniques that focus on revitalization and building a positive downtown identity based upon the historic character of a city's deteriorating commercial districts. Public and private resources are brought together to carry out this effort.

The Community Development Block Grants (CDBG) program administered by ADECA includes planning funds available for all eligible communities to conduct planning activities for downtown revitalization.

Information obtained from the National Main Street Center indicates that placement of the offices of Main Street Programs within state governments includes:

- 25 programs located in Offices of Economic and Community Development
- 8 programs located in State Historic Preservation Offices
- 7 programs located in Non-Profit 501(c)(3) organizations
- 1 program located in the Office of the Lt. Governor
- 1 program located in a Department of Rural Affairs

Department of Conservation and Natural Resources

The commission's activities include operating historical sites for the enjoyment of the public, development and maintenance of the sites, repair and maintenance of structures, etc., planning and oversight of capital projects for historic sites, collection of admissions, and sale of gifts. These duties are similar to duties of the Alabama Department of Conservation and Natural Resources, State Parks Division, which is responsible for the operation and maintenance of state parks.

The commission and the department jointly administer the state's Underwater Cultural Resources Act, which seeks to protect historic underwater sites and artifacts.

The Commissioner of the Department of Conservation and Natural Resources is an ex officio member of the Alabama Historical Commission.

PERSONNEL

The commission employed sixty-three persons as of February 17, 2006 of which sixty (60) employees were employed in the classified service of the state's Merit System and three (3) were employed in the unclassified service. The three unclassified employees are the Executive Director, the State Archeologist, and the Special Projects Coordinator. The State Archaeologist resigned in April 2006.

Employee Classification	Number	Gender	Race
Executive Director (Interim)	1	Female	White
Special Projects Coordinator	1	Female	White
State Archaeologist	1	Male	White
Clerk	1	Female	White
Administrative Support Assistant II	1	Female	White
Administrative Support Assistant III	2	Female	1 White 1 Black
Account Clerk	1	Female	Black
Senior Accountant	1	Female	Black
Canteen Clerk	1	Female	White
Capitol Receptionist	1	Male	Black
Retired State Employee	1	Female	White
Administrative Services Officer II	1	Female	Black
Architect	1	Female	Black
Cultural Resources Assistant	3	1 Female 2 Male	White White
Museum Aide	1	Male	White
Historic Artisan	2	Male	1 White 1 Black
Historic Artisan, Senior	1	Male	White
Preservation Structural Review Specialist	1	Female	White
Cultural Resources Coordinator	4	3 Female 1 Male	White White
Cultural Resources Specialist	8	4 Female 4 Male	7 White 1 Black
Cultural Resources Coordinator, Senior	6	4 Female 2 Male	White White
Historical Commission Division Manager	3	2 Female 1 Male	White
Historical Commission Senior Expert	1	Male	White

Archaeologist	1	Female	White
Archaeologist, Senior	2	1 Female 1 Male	White White
Curator, Coordinator	1	Female	White
Parks Worker	1	Male	White
Laborer	6	2 Female 4 Male	5 White 1 Black
Seasonal Laborer	2	1 Female 1 Male	1 White 1 Black
Utility Laborer	1	Male	Black
Grounds Worker	1	Male	Black
Maintenance Repairer	2	Male	White
Mason Lead Worker	1	Male	White
Maintenance Repair Supervisor	1	Male	White
Total	63		

Annual payrolls for the separate historical properties/office divisions of the Alabama Historical Commission as of February 17, 2006 were as follows:

Historical Property	Annual Salaries (Combined)	Employee Classifications and Number of Employees
Joe Wheeler House (currently closed for repairs)	\$60,756.80	1 – Cultural Resources Specialist 1 – Laborer
Cahaba	\$155,451.40	1 - Parks Worker 1 - Cultural Resources Asst. 1 - Museum Aide 1 - Historic Artisan 1 - Cultural Resources Coordinator, Sr.
Magnolia Grove	\$36,680.80	1 – Cultural Resources Coordinator
Fort Morgan	\$143,491.90	4 – Laborers 1 – Mason Lead Worker (T) 1 – Cultural Resources Spec.
Fendall Hall	\$22,955.40	1 – Cultural Resources Asst.
Confederate Park	\$127,179.00	1 – Retired State Employee 2 – Maintenance Repairer 1 – Mason Lead Worker (T) 1 – Cultural Resources Spec.

Fort Toulouse	\$215,319.00	1 – Grounds Worker 1 – Cultural Resources Asst. 2 – Cultural Resources Coordinator, Sr. 1 – Archaeologist, Sr.
Gaineswood	\$55,749.20	1 – Utility Laborer 1 – Cultural Resources Spec.
State Capitol	\$117,885.04	1 – Laborer, Seasonal 2 – Laborer (H) 1 – Clerk 1 – Canteen Clerk 1 – Capitol Receptionist 1 – Historic Artisan, Sr.
AHC Office Divisions	Annual Salaries (Combined)	Employee Classifications
AHC Outreach & Education	\$222,510.60	1 – Cultural Resources Coordinator 1 – Cultural Resources Coordinator, Sr. 1 – Historical Commission Division Mgr. 1 – Historical Commission Sr. Expert
AHC Executive Office	\$202,997.08	1 – Executive Secretary 1 – Cultural Resources Coordinator, Sr. 1 – Historical Commission Division Mgr. 1 – Unclassified (Interim Director)
AHC Historic Preservation	\$473,972.98	1 – Admin. Support Asst. II 1 – Admin. Support Asst. III 1 – Preservation Structural Review Spec. 1 – Cultural Resources Coordinator 4 – Cultural Resources Specialist 1 – Cultural Resources Coordinator, Sr. 1 – Archaeologist 1 – Archaeologist, Sr. 1 – Unclassified (State Archaeologist)
AHC Administration	\$118,476.80	1 – Account Clerk 1 – Sr. Accountant 1 – Cultural Resources Coordinator

AHC Historic Sites	\$220,204.40	1 – Architect 1 – Historic Artisan 1 – Historical Commission Division Mgr. 1 – Curator, Coordinator
AHC Personnel	\$100,466.60	1 – Admin. Services Officer II 1 – Unclassified (Special Projects Coordinator)
<i>TOTAL</i>	\$2,274,097.00	63 Employees

FINANCIAL INFORMATION

Historic Preservation (Operating) Fund

In 1990, the State Historic Preservation Fund #365 was established by the *Code of Alabama 1975*, Section 41-9-255, as an "operating fund", into which all commission moneys were to be deposited and from which all expenditures of the commission were to be paid. The fund resides in the State Treasury.

Historic Preservation Investment Fund

The Historic Preservation Investment Fund #785 was established in 1995 under authority of the *Code of Alabama 1975*, Section 41-9-249(7c). The fund holds available balances not immediately needed by the commission. The money deposited in Fund #785 resides in the State Treasury and is invested by the State Treasurer in short-term investments, such as repurchase agreements and certificates of deposit, on behalf of and as specifically authorized by the commission. On June 1, 2006, the balance in this fund was \$162,000.

Cultural Resources Preservation Trust Fund

The Cultural Resources Preservation Trust Fund was created to hold funds paid to the commission by TRANSCO Energy Company as the result of a May, 1991 settlement of Civil Action No. CV-90-H-1333-N in United States District Court for the Middle District of Alabama, Northern Division. At issue were alleged acts and omissions of TRANSCO during its construction of gas pipelines in Alabama during 1987 and 1988. The court ordered payment to the commission of \$8,582,000, plus accrued interest, of which 50% was required to be expended for the benefit of the affected counties. The court ordered that the commission's executive director be made trustee of the fund.

In June 1991, F. Lawrence Oaks, Executive Director of the Alabama Historical Commission and David G. Bronner, Secretary/Treasurer/CEO of the Employees Retirement of Alabama (ERSA) entered into an agreement whereby ERSA would act as investment adviser and custodian of the funds received by the commission from the TRANSCO settlement. Under the agreement, ERSA would invest the TRANSCO

settlement funds and distribute the income to the Alabama Historical Commission at the direction of its executive director. The agreement stipulates that ten per cent of the income would be added to the corpus of the fund, and that the corpus of the fund would remain intact and unavailable for distribution, unless the agreement was terminated.

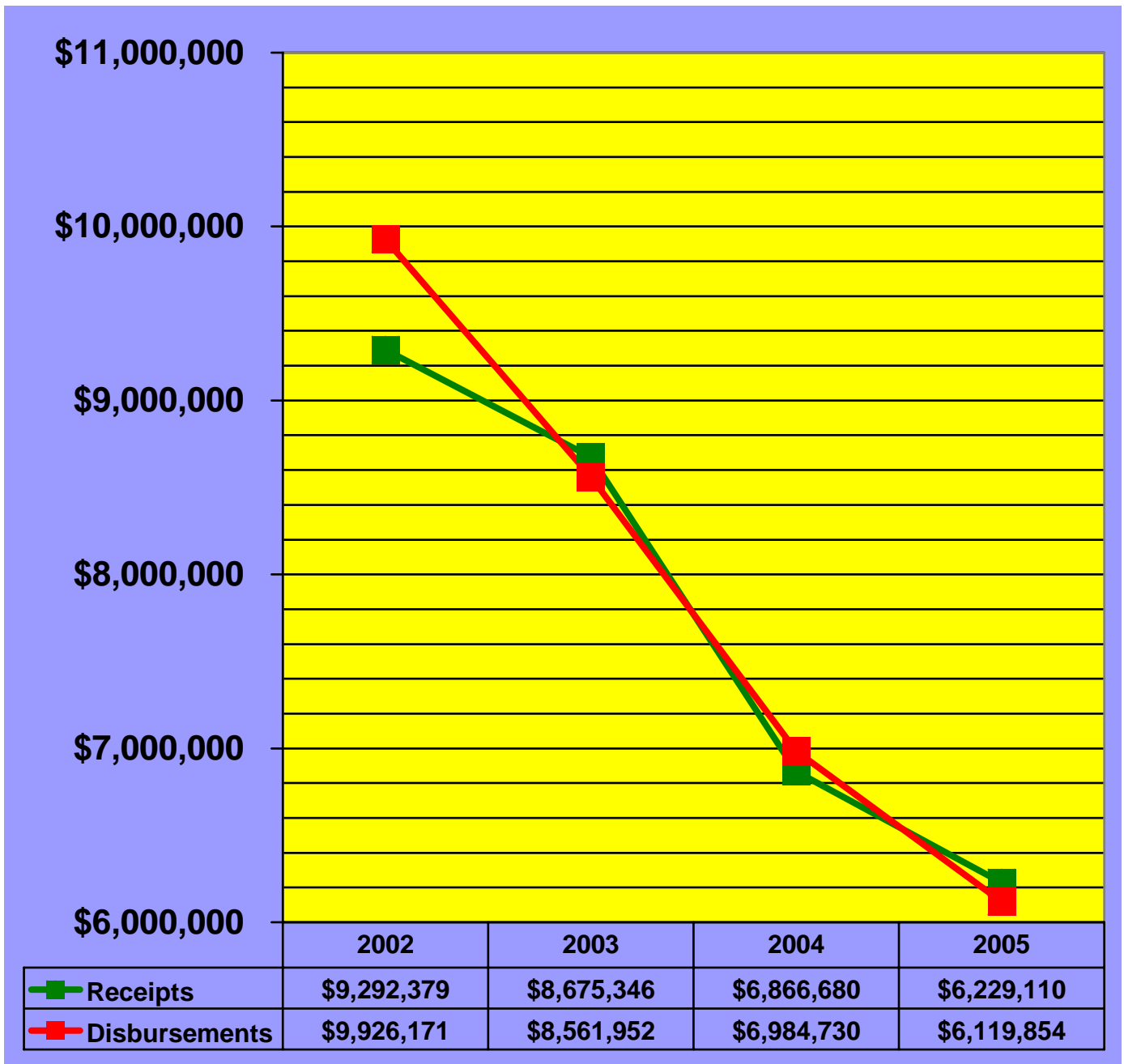
The commission makes matching grants from this fund to nonprofit organizations, local governments, educational institutions and others (not individuals).

On May 31, 2006 the balance in this fund was \$7,812,611.53 of which \$1,804,310.54 was available for distribution. (See the appendices of this report.) ERSA continues to hold and invest amounts in the fund.

Schedule of Receipts, Disbursements, and Balances
(Operating Fund #365)

<u>Receipts</u>	2005	2004	2003	2002
Transfers from the State General Fund	\$ 2,690,000.00	\$ 2,983,000.00	\$ 4,094,000.00	\$ 4,212,000.00
Transfers from Commission Invested Funds	522,441.32	1,079,664.00	2,490,000.00	3,320,000.00
Grants, Donations, Etc.	3,016,668.38	2,804,015.91	2,091,345.63	1,760,378.57
Total	6,229,109.70	6,866,679.91	8,675,345.63	9,292,378.57
<u>Disbursements</u>				
Personnel Costs	3,286,833.36	3,719,996.42	3,651,124.64	3,274,230.79
Employee Benefits	1,151,653.42	1,129,076.93	1,078,524.27	935,665.19
Travel In-State	25,856.45	29,535.75	78,938.78	79,787.80
Travel Out-of-State	11,365.67	16,664.05	43,239.29	46,274.18
Repairs and Maintenance	107,763.56	77,963.27	185,956.84	120,820.01
Rentals and Leases	35,271.28	26,034.87	46,209.05	35,866.40
Utilities and Communications	350,940.11	357,456.39	390,989.10	393,824.85
Professional Services	752,153.70	468,757.20	673,032.00	745,080.91
Supplies, Materials and Operating Expenses	415,408.02	384,731.81	485,331.63	454,001.24
Transportation Equipment Operations	45,812.28	39,681.62	42,572.82	35,224.72
Grants & Benefits	250,500.18	283,887.42	996,738.02	1,176,258.84
Capitol Outlay	173,484.62	417,516.25	800,545.47	2,487,429.50
Transportation Equipment Purchases	9,578.40	-	12,597.40	30,705.93
Other Equipment Purchases	25,673.95	33,427.76	76,152.52	111,000.30
Total	6,642,295.00	6,984,729.74	8,561,951.83	9,926,170.66
Excess (Deficiency) of Receipts Over Disbursements	(413,185.30)	(118,049.83)	113,393.80	(633,792.09)
Cash Balance at Beginning of Year	508,021.70	626,071.53	512,677.73	1,146,469.82
Cash Balance at End of Year	\$ 94,836.40	\$ 508,021.70	\$ 626,071.53	\$ 512,677.73

Operating Receipts vs. Operating Disbursements (chart)



ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.

History and Operation

According to minutes of commission meetings and foundation incorporation documents, the Alabama Historical Commission Foundation, Inc. was established on November 1, 2001 as a separate, non-profit organization to provide financial and program support to the Alabama Historical Commission.

During the May 2, 2001 meeting of the Alabama Historical Commission, Commissioner William Drinkard made a motion “to direct the Chairman to appoint a committee to establish the mechanism to form a side-by-side corporation for the purpose of obtaining properties and funds for historical preservation”. In the minutes of the meeting, Drinkard explained that the separate corporation could do what the Alabama Historical Commission is not really set up to do, such as endowments. He further explained that corporations could donate money or assets and contractually obligate how the monies would be used and stated that there were numerous individuals who would donate or bequeath in wills to this separate corporation.

The commission during its October 31, 2001 meeting voted to create the “side-by-side” corporation. On the following day, November 1, 2001, commission members William Drinkard, Janice Hawkins, and Allen Cronenberg established the Alabama Historical Commission Foundation, Inc. with Executive Director Lee Warner named as agent for the foundation. Members of the board of directors of the foundation included all members of the Alabama Historical Commission’s Executive Committee. The incorporation fee was paid by Alabama Historical Commission employee Lisa Jones, who was subsequently reimbursed by the commission with state funds for the amount of the incorporation fee.

In its application for recognition of exemption from tax liability under Section 501(c)(3) of the Internal Revenue Code, the Alabama Historical Commission Foundation, Inc. lists seventeen (17) of the twenty (20) commissioners of the Alabama Historical Commission as the Directors of the Foundation. The ex officio commission memberships held by the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives of the Alabama Legislature were not included. (See Appendices of this report – Historical Commission Foundation Form 1023)

The foundation’s IRS Form 990 (return filed by non-profit organizations) filed on April 28, 2006 for the period of October 1, 2004 – September 30, 2005 lists all commission members of the Alabama Historical Commission as members of the Alabama Historical Commission Foundation, Inc. including Governor Bob Riley, Lieutenant Governor Lucy Baxley, and Speaker Seth Hammett.

In its application for recognition of exemption from tax liability under Section 501(c)(3) of the Internal Revenue Code, the foundation’s stated purpose is “to provide financial and program support for the Alabama Historical Commission” with

its planned activities to include the undertaking of activities to fund capital improvements at the commission's historic sites, solicitation of financial support from foundations, corporations, and individuals, the employment of an experienced fundraiser to solicit contributions primarily within the State of Alabama, and to support the Historic Endangered Landmarks Program by using the foundation's staff to execute the transactions needed to facilitate property transfers .

Operation Within Commission Structure

Three of the commission's employees were engaged in foundation business while being paid by the commission, as reported in the most recent legal compliance examination performed by the Examiners of Public Accounts. Bank records of the foundation and Form 990 (return filed in lieu of income tax) of the Alabama Historical Commission Foundation, Inc. indicate that commission employees were still involved with the operations of the foundation on March 31, 2006. The Form 990 lists the commission's Interim Executive Director, Elizabeth Brown, as a key employee and indicates the foundation's records are in the care of Lisa Jones, who is an employee of the commission. Jones reports directly to the commission rather than to the commission's executive director. Forms 990 are included in the appendices of this report. A desktop computer, a laptop computer, and a printer belonging to the foundation remain housed in the main office of the commission. The desktop computer and the printer are being used by commission employees. The laptop computer does not appear to be used by commission employees.

Commission Funds Deposited Directly to Foundation Accounts

The foundation has received donated funds and other funds into its bank account that normally would have been received by the commission and deposited into the State Treasury. In addition, public funds and donations made payable to the Alabama Historical Commission were deposited directly into the foundation's bank account.

In the last legal compliance examination of the Alabama Historical Commission completed by the Examiners of Public Accounts, the Examiners identified two instances of funds being deposited in the account of the Alabama Historical Commission Foundation, Inc. that normally would have been received by the commission and deposited into the State Treasury. Records show that on September 29, 2003 \$135,000 from the Montgomery Riverfront Development Foundation (MRDF) and \$14,000 from the Joe Wheeler Foundation were deposited directly into the account of the Alabama Historical Commission Foundation, Inc.

The foundation received \$135,000 from the Montgomery Riverfront Development Foundation (MRDF) as the results of an agreement between the Alabama Historical Commission and the MRDF dated December 18, 2002. The agreement stipulated that the MRDF would pay or cause to be paid to the commission or its designee \$400,000 and a gift of four contiguous season tickets to the Alabama Preservation Alliance to all baseball events so long as the stadium exists. A payment of \$135,000 was received by the Foundation as the commission's designee. No other payments from the MRDF have been identified at this time.

The foundation received \$14,000 from the Joe Wheeler Foundation, a non-profit organization. The Joe Wheeler Foundation received the \$14,000 from a cellular telephone tower mitigation settlement on the Pond Spring site which was, according to Lee Warner, former executive director of the commission, "parked" in the Wheeler Foundation because he did not want the state to have access to the funds, and he had no where else to put the funds. After the Alabama Historical Commission Foundation, Inc. was established, Lee Warner instructed the Wheeler Foundation's accountant to issue the \$14,000 check to the new foundation. Warner later acknowledged that he "bent the law" by parking these funds in the Joe Wheeler Foundation checking account stating, "we did not want to put that money in the commission's accounts because we would lose control of it".

In addition, the Examiners of Public Accounts obtained and reviewed records of the Alabama Historical Commission Foundation, Inc. bank accounts for the period of November 1, 2001 through March 31, 2006 and determined that deposits also included the following payments to the commission:

Twenty-five (25) donations/payments in the form of checks made payable to the Alabama Historical Commission totaling \$120,601.35 were deposited into the bank accounts of the Alabama Historical Commission Foundation, Inc., as follows:

- \$31,550.00 designated for Fort Morgan
- \$31,041.69 designated for Pond Spring
- \$10,000.00 designated for the Brierfield Tramway
- \$25,000.00 designated for archaeological work
- \$23,009.66 with no specific designation

Restricted Donations

For the same time period, the Examiners noted that there were restricted donations deposited to the Alabama Historical Commission Foundation, Inc. accounts. The donations/payments were in the form of checks made payable to the Alabama Historical Commission Foundation, Inc. A listing of the larger donations is as follows:

- \$20,308 designated for Fort Morgan
- \$45,250 designated for Pond Spring
- \$17,000 identified as settlement payments in mitigation of damage to specific historical sites.
- \$20,000 related to a purchase agreement between the Alabama Historical Commission and Norfolk Southern Railway concerning the Historic Huntsville Railroad Depot
- \$51,500 from the Friends of Gaineswood, Inc., a support group for the Gaineswood home located in Demopolis which is owned/operated by the Alabama Historical Commission. (There is no specific indication of restrictions being placed on these funds.)

Unexpended Restricted Donations Exceed Balance of Foundation Funds

A review of expenditures contained in the accounting records of the Alabama Historical Commission Foundation, Inc. indicates the balance of funds remaining in the foundation accounts is less than the computed balance of restricted funds that have not been expended by the foundation. Records obtained of the foundation's accounts indicate that as of March 31, 2006 the foundation had a balance of \$34,460.17 (\$10,758.17 in its money market account and \$23,702 in its checking account). This balance is not sufficient to cover the computed unexpended balance of restricted donations for the Fort Morgan, Pond Spring, and Huntsville Railroad Depot sites (\$47,011.00).

The expenditures of restricted donations identified by the Examiner include the following:

Restricted for	Donation	Expended	Difference
Fort Morgan	\$51,858.00	\$32,085.00	(\$19,773.00) ¹
Pond Spring	\$76,291.00	\$51,053.00	(\$25,238.00) ¹
Huntsville Railroad Depot	\$20,000.00	\$18,000.00	(\$2,000.00) ¹
Brierfield Tramway	\$10,000.00	\$23,900.00	\$13,900.00 ²
Univ. of South AL (Mobile Archaeology)	\$25,000.00	\$40,000.00	\$15,000.00 ²
Gaineswood	\$51,500.00	\$890.73	(\$50,609.27) ¹

¹ Unexpended balance of restricted funds

² Excess of expenditures over restricted donations

Other Disbursements

The foundation also disbursed the following funds related to the Alabama Historical Commission and its historical sites:

- \$50,000 transfer to the Alabama Historical Commission
- \$10,000 expenditure paid to Auburn University for supervisory training for AHC staff
- \$71,368 expended in 2003 for Mobile Point Lighthouse restoration (not yet complete)
- \$13,180 expended for Selma-Montgomery Trail announcement
- \$5000 to hire a person in the Washington, D.C. area for the purpose of raising funds nationally for Ft. Toulouse and the Montgomery Bus Station (no record of benefits received for this expenditure)
- \$21,495 for travel and housing for Lisa Lichtfuss, the former fundraiser for the Alabama Historical Commission and the Alabama Historical Commission Foundation, Inc. Ms. Lichtfuss' salary was paid by the Alabama Historical Commission.

The foundation's records showed the following disbursements that were identified by Examiners in a prior compliance examination of the commission.

- \$8,405 in reimbursements to former director, Lee Warner, for meals (including \$274 for alcoholic beverages), entertainment, travel reimbursements, and copying expenses, \$302 for champagne, champagne glasses, strawberries, truffles, cheese and crackers, and flowers.
- \$2,389 for credit card purchases including a laptop computer for Lee Warner, food, and other travel expenses.

Foundation Now Considered Defunct/Lax Control Over Restricted Funds

On May 3, 2006 William "Bill" Drinkard, Chairman of the Alabama Historical Commission and Director of the Alabama Historical Commission Foundation, Inc., stated that, "The Foundation is currently non-functional – we hold no meetings, have no discussions, and take no actions. The foundation is not involved in any fundraising activities or expending any funds at this time." He further stated, "I have no idea how much money is in the account."

When asked about the genesis of the foundation and its purposes Drinkard stated that forming the foundation was his idea so that corporate donations, estate bequests, and other restricted donations could be spent for their intended purposes. Drinkard stated, "Corporations will not make donations to agencies whenever the money they give will be controlled by the legislature." Drinkard explained that the commission could not expend the restricted donations for their intended purpose because the authority to spend state funds rests with the legislature, and since donations to the Alabama Historical Commission would become state funds, the control of these donated funds would be controlled by the legislature, thereby rendering the Alabama Historical Commission unable to ensure the restricted funds would be used for their intended purpose. When asked about the foundation's ability to ensure that restricted donations would be spent for their intended purposes, Drinkard replied, "To my knowledge we did not have anything in place to do that [ensure that the restricted funds were spent for their intended purposes]. Dan Bennett, the Foundation treasurer could answer that for you."

Dan Bennett, Alabama Historical Commission member and Treasurer of the Alabama Historical Commission Foundation, Inc., was questioned about the account balances of the foundation to which he replied, "I think the current account balance is about \$45,000 - \$50,000." When asked about the foundation's ability to ensure restricted donations to the foundation would be expended for their intended purpose he stated, "I don't know of any procedures we had for that."

Foundation Schedule of Receipts and Expenses

<i>Schedule of Receipts and Expenses</i>				
<i>For the Period November 1, 2001 Through September 30, 2005</i>				
	2004-2005	2003-2004	2002-2003	2001-2002
<u>Receipts</u>				
Donations, Payments, Etc.	16,400.00	153,666.00	255,492.00	11,000.00
Total	\$ 16,400.00	\$ 153,666.00	\$ 255,492.00	\$ 11,000.00
<u>Expenses</u>				
<i>Program Services</i>				
Supplies	-	-	205.00	-
Occupancy	-	1,181.00	250.00	-
Printing and Publications	-	8,854.00	-	-
Travel	546.00	2,752.00	-	-
Conferences, Conventions, and Meetings	15.00	630.00	695.00	-
Other Expenses	60,299.00	200,078.00	55,630.00	-
<i>Management and General</i>				
Accounting Fees	4,250.00	3,318.00	200.00	-
Supplies	-	28.00	206.00	-
Postage and Shipping	-	86.00	68.00	-
Occupancy	-	-	250.00	-
Equipment Rental and Maintenance	-	281.00	543.00	-
Printing and Publications	-	562.00	-	-
Travel	545.00	2,751.00	-	-
Conferences, Conventions, and Meetings	16.00	630.00	696.00	-
Depreciation, Depletion, etc.	576.00	438.00	79.00	-
Other Expenses	154.00	1,609.00	14,265.00	-
<i>Fundraising</i>				
Professional Fundraising Fees	-	24,036.00	3,757.00	-
Depreciation, Depletion, etc.	575.00	438.00	79.00	-
Other Expenses	-	-	4,859.00	-
Total	66,976.00	247,672.00	81,782.00	-
Excess/(Deficiency) of Receipts over Expenses	(50,576.00)	(94,006.00)	173,710.00	11,000.00
Cash Balances at Beginning of Year	90,704.00	184,710.00	11,000.00	-
Cash Balances at end of Year	\$ 40,128.00	\$ 90,704.00	\$ 184,710.00	\$ 11,000.00
<i>Other expenses include: Advertising, General Expense, Awards and Gifts, AHC Site Expense, Professional Consulting, Assistance to AHC, Moving Expense, Meals and Entertainment, AHC Projects, Archaeological Expense, Dues and Publications, Other Expense</i>				

Additional records obtained of the foundation's accounts indicate that as of March 31, 2006 the foundation accounts had a balance of \$34,460.17; (\$10,758.17 in its money market account and \$23,702 in its checking account)

QUESTIONNAIRES

Historical Commission Questionnaires

A questionnaire was sent to all (21) commission members. Six (6) responded.

1. What is the purpose of the commission?

1. "To oversee the historical properties and treasures of the State of Alabama"
2. "To promote the preservation of historic sites and structures in Alabama, administer selective historic properties owned by the state, and carry out mandated federal regulatory duties."
3. "I agree with the Mission Statement of the Alabama Historical Commission which is to 'protect, preserve, and interpret Alabama's historic places'. In that context, I see my role/purpose as a commissioner to: 1) Ensure effective organization planning and production, 2) Work to enhance the AHC's public standing, 3) Monitor and strengthen the AHC's programs and services, 4) Ensure legal and ethical integrity, 5) Maintain accountability, 6) Manage funding resources effectively, 7) Select the AHC Executive Director"
4. "The purpose of the Ala. Historical Commission is to preserve and protect the historic properties of the State of Alabama. (Unfortunately it appears the senior staff thinks that means preserve and protect certain jobs and salaries and the properties be damned.) They need to consider their purpose and the different historic sites all over the state that are in need of a lot of restoration and repair. They are not fulfilling their purpose.
The Commission does support and when available provide some staff and funds support. For example Main Street America, Alabama's historic cemeteries, and other efforts. They have responsibility for approving Cellular telephone tower structure locations around the state. In recent years they have neglected many of the Confederate (tainted) structures, e.g. Ft. Morgan in Baldwin County on the Gulf and on Mobile Bay, and the General Joseph Wheeler home. The A.H.C. has not protected this property or preserved it in the past 12 years. The site is closed to the public because it is unsafe for home tours. The grounds are also unsafe due to open ditches left by an electrical contractor that walked off of the job four years ago. This work has recently been restarted to complete the new wiring. The thirty thousand original Joe Wheeler artifacts were moved to a controlled safe storage in the last few months (November 2005), at the insistence and harassment of the 501c3, General Joe Wheeler Foundation leadership. The President of that organization is General Joe's Great Great Granddaughter Lucy LeGrand Walser and the Vice-President, her Mother and my wife, Sally C. Spencer."
5. "The AHC is the agency responsible for promoting the cause of historic preservation in the state. It nominates important buildings to the Alabama Register of Landmarks and Heritage. It also nominates the most important structures to the

National Register of Historic Places maintained by the Department of the Interior. A select few sites with truly national significance become National Historic Landmarks, such as the Saturn V Test Stand at Redstone Arsenal and the Alabama State Capitol in Montgomery. The AHC is responsible for maintaining and operating a number of historic properties and museums. Examples are the Joe Wheeler Home in North Alabama, Fendall Hall in Eufaula, Belle Mont in Colbert County, Confederate Memorial Park and Fort Morgan at Gulf Shores. The agency operates a historic marker program in cooperation with local non-profit organizations and local governments. When funds are available through the Legislature, the AHC distributes grants to local governments. It operates the Main Street Program that works with local communities to revitalize their downtowns that have been impacted by the loss of retail businesses to bypasses and interstates. It provides technical assistance to individual homeowners in the renovation of their historic homes.”

6. “The mission of the Alabama Historic Commission is complex, but essentially, it is to identify, protect, and interpret the prehistoric and historic resources that makeup Alabama’s cultural heritage. Traditionally, the AHC has maintained the philosophy that it must deal with and celebrate the history and culture of all peoples and periods in Alabama. The responsibilities of the AHC have expanded considerably since its establishment in 1966. Today, the commissioners are responsible for reviewing and approving general policies, guidelines, budgets, and for general oversight of the AHC professional staff in Montgomery and at nine of the state-owned historic properties. The highly qualified AHC professional staff are responsible for the day-to-day administration and support of many programs including the maintenance and interpretation of thirteen state-owned historic properties, Section 106 of the National Historical Preservation Act, the Alabama Burial Law, technical assistance for cemeteries, the National Register of Historic Places, the Alabama Register, the Black Heritage Council, historic preservation grants, Local Certified Governments, historic preservation tax credits, and the Council on Alabama Archaeology.”

2. How would the absence of the commission be detrimental to the public welfare?

1. “These historical properties would fall into disrepair and in some cases be destroyed”
2. “Its duties are important for the state in a variety of ways – economic development, tourism, regulatory compliance with federal mandates, and preservation. If the commission did not handle these duties, some other entity would be expected to step in and help.”
3. “Without a commission there would be no oversight or official body to deal with issues such as those described in Question #1 (unless an alternative oversight board was developed). The Commission works to neutralize the impact of partisan political issues and, to the degree that is possible, provide a buffer so that the AHC staff can be concerned with their professional duties. I feel that staff effectiveness would be hindered without a commission.”

4. "If the A.H.C. did not exist there would be no detrimental consequences to the public welfare as they are not doing their job of preserving and protecting the properties under their authority now. They only seem interested in having expensive Master Plans done on several properties, usually by the same Architectural firm, Jack Pyburn Associates located in Atlanta, Ga. I am suspect of this out of state arrangement. They know they do not have the money to implement these lavish Master Plans, in some cases they have spent in excess of \$800,000 to have done. These plans do not have architectural drawings included either. With the A.H.C. no longer involved in any way, maybe this would open the door for interested historical groups that really care about saving and protecting the historic properties. Hopefully these groups could avoid the red tape the A.H.C. has to operate under (real or imagined). I have been a Commissioner since February 2005. I have tried my best to make some changes. I and one other Commissioner have diligently tried to move things along in a positive way, but it has been tough with all the stonewalling by staff and some officers, who seem happy to let staff do as they please and really don't seem to want to make progress."
5. "It would have a devastating impact on a whole range of issues related to the heritage of our state. Without historic preservation, entire streets, neighborhoods and towns would all look the same. Preservation keeps the historic architectural character of our older towns intact. The AHC provides the know-how to local governments, neighborhood organizations and regional councils of government to maintain the integrity of their important buildings. Tourism would suffer without the landmarks operated by the AHC. Nobody goes to Europe to look at new buildings. People learn about the history of destinations by visiting landmarks. The national preservation standards enforced by the commission would be lost with the AHC. Historic houses would be 'remuddled' instead of restored to the level that preserves the integrity of their designs."
6. "As indicated on their website, the AHC performs many state and federal mandated services for the public in Alabama. Five of the most legally and economically significant responsibilities are: (A) Section 106 of the National Historic Preservation Act of 1966 requires archaeological evaluations of significant prehistoric and historic sites in Alabama prior to any adverse effect by federally funded or permitted projects. The AHC has the responsibility of reviewing and approving these archaeological reports within 30 days. Without the AHC reviews, there would be major delays in federally funded or permitted economic development projects such as highways and bridges (federal Highway Administration), housing developments with Veterans Affairs (VA) loan guarantees, cell phone towers (FCC) and bridges, dams, piers and seawalls (U.S. Army Corps of Engineers). (B) The AHC has the responsibility for the Alabama Burial Law (Section 13A-7-23-1) of the Code of Alabama) which protects human remains and associated cemetery and mortuary items. The AHC also maintains public service programs in historic cemetery surveys, registers, markers, conservation, and permits. Without the AHC, there would be delays in the legal movement of bodies, families getting permission to clean grave monuments, and in the prosecution of looters and other violators. (C) The AHC advises private and commercial owners of historic Alabama properties on accuracy in renovation,

adaptive reuse and re-development projects that entitle the owners to claim significant tax credits. Without the AHC, it would be considerably more difficult for property owners to apply for such tax credits. (D) The AHC is responsible for maintaining and interpreting thirteen state-owned historic properties. As a result of initial under-funding and recent budget reductions, the commission is financially challenged in running these historic sites. Efforts are underway to seek more local support. Without the AHC, the administration of these properties could require the establishment of a new state agency, or transferal of the properties to another state agency or to non-state ownership. (E) The AHC is responsible for supporting the Alabama Review Board which reviews and approves nominations of Alabama houses, commercial buildings, archaeological sites and other properties for inclusion in the National Register of Historic Places, including National Historic Landmarks. Without the AHC support staff, the Alabama Review Board would have to be supported by some other state agency that would have to hire archaeologists, architects, and historic preservationists.”

3. What changes in Alabama laws concerning the Alabama Historical Commission would you recommend?

1. “That the delegate from the Historic Chattahoochee Commission serve for two years when that delegate is the Alabama representative serving as the Chairman of the Historic Chattahoochee. As it stands now, every other year the HCC has an Alabama Chairman. This would do away with a Georgia HCC Chairman having to serve on the AHC”.
2. “Allow major ex officio members (Governor, Lt. Governor, Speaker, Attorney General) to be represented by appointed delegates whose terms would coincide with the terms of the officials.”
3. “I would suggest that the commission be more broad based in its representation. Further, there are many ex-officio members who seldom attend meetings and other termed members who seldom attend. This leaves the work of the commission to a limited few interested and committed individuals. I would like to see measures adopted that tie the commission appointment continuance to attendance (for instance, must attend a minimum number of meetings per year).”
4. “I will overlook the problems of the Alabama divers and their fellow national divers. They have just recently been given rulings on underwater diving that they can live with concerning artifacts found not in restricted areas (such as documented ship wrecks). This is a major improvement. It has taken a lot of work over many years to accomplish this feat.
If the A.H.C. stays in existence there needs to be an improved set of by-laws. Today they are three pages and say nothing worthwhile.
The A.H.C. Foundation (very secretive controlled inside the A.H.C.) which needs to be abolished and never again allowed. It is an easy vehicle for misdirecting funds from the Commission into that Foundation that answers only to a select few, and deprives the Commission of funds to carry our preservation work.
The present Commission charter requires appointment of Commissioners from several Universities around the state. These include an Archeologist, an Architect,

and other specialties that get passed around like, who's turn is it for this contract today? It appears to eliminate the bid process required by state contracts. I have not been around long enough to give examples, or prove it. It may be that was the intent of the framers of the original Charter, I have no idea.

The law needs to be changed to limit the number of Historical properties the A.H.C. can oversee. They obviously have too many now because they are not doing a good job of preserving and protecting most of what they have. The State Capitol is probably in the best shape of all the properties, however this past fiscal year (Oct1, 2004 – Sept. 30, 2005) most of the budget for the Capitol building had to be spent on repair and maintenance of the elevators. Obviously poor planning on somebody's part."

5. "I don't know of any."
6. "I believe the Alabama Historical Commission would benefit from the passage of a legislative amendment expanding the numbers of commissioners from 21 to 25. The AHC needs more active members. Presently, many of the individuals holding a position on the AHC by virtue of a state office are not very active in commission affairs. The additional commissioners could be selected from traditional minority universities who are not formally represented on the AHC. I believe that historic preservation in Alabama would be significantly improved if a state equivalent of the National Historic Preservation Act was passed. Presently, there is little to no protection for important historical and archaeological sites on state-owned property."

4. What is the most significant issue currently facing the Alabama Historical Commission?

1. "Funding, Leadership, and the aging of our historical properties"
2. "Leadership"
3. "There are two significant issues currently facing the commission. They are: 1) A lack of credibility and confidence in the commission by many in the state legislature and by some of its constituents. This problem has been exacerbated by the recently suspended Executive Director Search and by the conflicting interests of some of the constituents (regardless of the decision made, at least 50% will disagree, 2) Recent budget reductions. This has resulted in layoff of approximately 40% of the staff and inadequate maintenance of the AHC's historical sites. Also, due to this issue and that noted in the bullet above, several of the staff's most highly qualified personnel have resigned to accept positions in similar agencies in other states where funding is better. The result has been an ever widening erosion of confidence in the commission. To further complicate matters, an accurate audit of the AHC finances determined an approximately one million dollar balance deficit, including the co-mingling of funds."
4. "The hiring of a business oriented Executive Director. He needs the ability to put in place knowledgeable and trustworthy department heads and charge them with the job they need to do. Currently the Commission has a credibility problem and an accountability problem all over the state. Dr. Lee Warner was noted for promising local groups all over the state that he was going to do this and that and never

followed through. He has also promised the Civil Rights advocates a lot more than can be delivered. This causes the Commission problems with the funding committee chairman in the House of Representatives in Montgomery. I have had my ears bent by several groups in Huntsville, my home. I would add the need for more funds, but until the former happens any more funds would also be squandered, in my opinion.”

5. “The misperception that the AHC is only interested in civil rights sites. From what I have been told, this was very much the agenda of the previous executive director.”
6. “Clearly, the most significant issue is funding which I will address under Question #6. An almost equally significant issue is leadership and the public perception of that leadership in relation to the commission as a whole. The departure of the permanent Executive Director and the recent severe state funding reduction have resulted in noticeable loss of direction and drive. The Interim Executive Director is doing an excellent job of regaining forward momentum, balancing the budget, and of running the commission on a daily basis under extraordinary circumstances, but she is being asked to perform tasks and make long-range plans well beyond her job description. The public perception of the AHC’s supposed disorganization is based in large part upon a lack of knowledge about the financial setbacks and that the commission’s overall mission must deal with all parts of Alabama’s history, and not just one period or region. Many of the supposed failings and slowness of the AHC in carrying out its’ responsibilities are due to the standard fiscal and contractual procedures that regulate the activities of all state agencies.”

5. What is the commission doing to address this issue?

1. “It has cut it’s budget”
2. “The Executive Committee is looking at search firms to assist in identifying good candidates for the position of Executive Director.”
3. “Relative to Bullet #1, the commission is ensuring that it follows ‘to the letter’ all state policies and regulations regarding openness and sunshine laws. An executive search firm has been engaged to handle the executive director search so as to hopefully attract the most qualified individual available. Relative to bullet #2, in an effort to reduce costs the commission is exploring the opportunity to partner with local communities in maintaining its historic sites. Also as an additional cost cutting measure, we are determining the legality (this requires State Attorney General opinion) of divesting the AHC of some of its least desirable properties. A financial consultant was put in place (who answers directly to the commission) to monitor all financial issues and to consult with the State Auditors office with regularity. As a result, the AHC has balanced its budget and is currently operating in an efficient manner. The projected 2006-07 is balanced.”
4. “They are not doing enough, in my opinion, to correct their problems. It seems to be a stand off thinking things will go back to where they were under Warner after a hopeful new Governor is elected (they hope). Many think Warner is still directing Staff from a distance. Currently the Commission is seeking a Personnel Firm (head hunter) to find a permanent Executive Director.

I have had my eyes opened at what a political environment Montgomery has, it is all politics, controlling everything that has The State of Alabama attached to it. I understand Dr. Lee Warner was hired through a Personnel search firm. He turned out to be a disaster. I was told by one of the members of the Executive search committee that hired Warner that when they didn't get the man they wanted, they took Warner, knowing he had a bad history, but thought he had learned his lesson. That is real comforting isn't it?

A total assessment of the A.H.C. needs to be done and certain employees need to be re-assigned, transferred, or fired. The present problem exists because of current staff and leadership. There needs to be more involvement of the Commissioners as to what the staff actually does. Not to the point of micro managing the Commission but by having more checks and balances built into the system. The present system of quarterly meetings and receiving minutes of the past meetings ten days or less before the next meeting is obviously not working, to the benefit of the public or the Commission.

There needs to be more reviews and progress reports made to document actual achievement of the missions of the Commission. There needs to be an ongoing report card, so to speak.

With one exception since I have been there, (Feb. 01, 2006) the official meetings are closed before the floor is open for the public to make comments and presentations. This way they are not part of the minutes of the meeting, this also gives some Commissioners license to leave, as the meeting is over officially. The public comments should be heard and recorded as part of the official minutes. How else will the Commission know what the public is thinking."

5. "The dismissal of the executive director and the appointment of people to the board who have more balanced views is changing this. The most important (and expensive) renovation projects involve two Civil War sites – the Joe Wheeler Home in Lawrence and Fort Morgan in Baldwin County. We have an audience of Confederate supporters at most meetings. By conducting our discussion regarding hiring a new executive director in a public meeting, I feel that some of the mistrust of the agency that lingers from past years has begun to thaw. A secondary issue is financial. We can not afford to maintain the number of properties we currently have. We are exploring joint operating partnerships with local governments to address this issue."
6. "The commission is actively seeking a permanent Executive Director. I am not a member of the search committee and do not know the present status of the search other than it is ongoing. The AHC has made conscious efforts to deal with negative public perceptions. To counteract misunderstandings, the AHC holds public comment sections at its quarterly meetings and many of its committee meetings. Emails and letters are answered promptly by the staff. Public focus groups are used in developing scripts for exhibits at AHC properties. The AHC holds public hearings throughout the state when it attempts to develop or amend regulatory guidelines."

6. Is the commission adequately funded? If not, what actions should be taken to remedy the situation?

1. "NO! Local entities need to help fund the AHC properties in their area. The legislature needs to step up to the plate more"
2. "The answer depends on whether the commission needs to continue owning all the sites in its current inventory. If a number of less significant sites were spun off, the commission would be better able to focus on those sites that are of greatest value to the state. Even so, the commission will need more money for capital expenditures at many of those sites."
3. "The AHC is not adequately funded. The AHC staff have not received adequate raises and as mentioned, those with the highest level of expertise and experience have resigned to accept more lucrative positions. The funding line designated to maintain the historic properties is woefully inadequate (I am referring to general upkeep such as roof repair, rotten wood replacement, periodic painting, etc...minimum standards of maintenance). If these valuable resources are to be adequately maintained, the maintenance budget must be increased. And if that is not possible, the properties should be sold or deeded to entities who have the resources to adequately and properly maintain them."
4. "The Commission is adequately funded. They just need to use their funds wisely. In bureaucracies versus profit motivated businesses there is a tendency to make management feel more important and feel they can justify more salary for themselves by supervising more people. If they have extra funds they tend to hire more people instead of using the funds to preserve and protect. I think we can all agree government at any level has a tendency to get larger not smaller. I suppose patronage is part of this phenomenon.
The A.H.C. has entirely too many important properties to oversee. They don't use the money they have to keep them in good condition. Some are closed to the public because they are unsafe. More are close to being unsafe and should be turned over to local groups to preserve. The A.H.C. could better support these properties by being an information resource for local groups that want to manage and save the properties. The A.H.C. can provide needed historical advice and support but do not need to be actively managing and operating so many properties. They need to remember their mission and do all they can to help preserve and protect historical sites by the best means possible. This might be accomplished by partnering with other local groups and encouraging fund raising. People give to people rather than government agencies.

My additional thoughts, for the record.

It was not my decision to go to a personnel firm for assistance, but since that is the path we are following, I think it is important to seek an experienced and proven businessman who knows Alabama politics. Knowing the Legislative process and he or she has a get things done with enthusiasm. Any new Executive Director will be in trouble or at least have difficulty rising above the present mess, if he leans on existing key staff and is not willing to bring in new blood that he can count on because he knows their abilities from past experience or knows how to motivate employees to his leadership direction, style, and ability. I firmly believe in giving

managers direction and a sense of what is expected and turn them loose to do the job. If they go too far afield adjustments can be made, but well qualified, well intended management can accomplish an amazing amount of work and get the Commission back on track.

The A.H.C. has lost the trust and confidence of many historical and preservation minded people all over Alabama. It will be very important for a new Executive Director, as soon as practical to get out and around the state making contact with like minded people who have the drive and interest in preserving and protecting the wonderful historical structures and artifacts we have in our great state. I am afraid it will take some time and patience for everyone.

With the A.H.C.'s divestiture of many properties to organizations that can raise money to breathe new blood into many properties that are in dire need, the staff needs to be reduced. They will not need so much personnel if they don't have the properties under their direct control. The purpose here is to preserve and protect our historical treasures not to preserve and protect jobs and payroll in house.

After all these questions and comments I am reminded that one of my fellow Commissioners when questioning the A.H.C. Foundation, was told, 'you don't want to get into that. You wouldn't want to hurt your friend XXXXXXXX, would you?'

With this protection and attitude in place, it may be the only solution is to restructure the commission or place it under another department. I wouldn't want to transfer all the key staff to such an agency however. There is obviously no easy solution."

I am very thankful for the Sunset Committee hearing I participated in on August 25, 2005. I had unfortunately come to the conclusion that very few of us really cared what was going on at the A.H.C. There are too many state treasures being allowed to deteriorate because of mismanagement and foolish use of valuable financial resources available. Too many master plans with no funds to implement. Too many employees not being used wisely. The list goes on and on. I am a businessman and not accustomed to seeing employees milk the pay system by foot dragging and slow implementation of responsibilities."

5. "The commission has laid off 40 staff members in response to the reduction in the General Fund. Given the state's financial condition, I personally do not anticipate an increase in funding."
6. "The most serious problem facing the AHC is the very low level of current funding from the Alabama General Fund. Interest income from the Alabama Cultural Resources Preservation Trust Fund has also fallen seriously due to changes in the national economy. Prior to the reductions of the past three years, the AHC budget was already inadequate due to the addition of several unfunded historic properties and of additional responsibilities such as the Alabama burial law, and federally mandated programs. The shortfall was aggravated by ambitious new projects designed to correct years of neglect at AHC properties and to adequately staff the new programs. Over the past three years, the AHC has lost approximately 40 percent of its' funding from the Alabama General Fund. To develop a balanced budget, the AHC has reduced the number of employees by 40 percent, required the remaining employees to pick up the extra workload, reduced the staff at some of the historic properties to none or only one, severely curtailed the very popular Main

Street Program, and terminated the AHC historic preservation grant program, and most of the rehabilitation projects at the historic properties. Much of the shortfall could be remedied by increasing the level of funding for AHC capital outlay and operational costs from the Alabama General Fund. Supporting the educational, interpretative and rehabilitation programs at the historic properties with funds from the Alabama Special Education Trust fund would help overcome years of neglect and missed opportunities.”

Historical Organization/Donor Questionnaire

A questionnaire was sent to two hundred ninety-two (292) historical organizations/donors identified by the Alabama Historical Commission. Ninety-two (92) responded.

1. What is the purpose of the Alabama Historical Commission?

1. "Preserve and protect historic structures and places in Alabama"
2. No response
3. "It's mission is to assist in the preservation of historic buildings and sites which have archaeological or architectural significance to the state of Alabama."
4. "To promote the appreciation of history in the state of Alabama, to assist with the protection of the states' historical sites, to administer the state's federal compliance process for the National Historic Preservation Act, and to maintain the state's historical parks for public education and enjoyment."
5. No response
6. "To conduct research and bring together scholars of history"
7. "To preserve the historical elements in the state"
8. "To preserve and interpret historic sites"
9. "To oversee the distribution of funds & services to help the various historical commissions across the state."
10. "Protect, preserve, and interpret Alabama historic places; make info available to the public; assist public with historical issues"
11. "To use their resources to protect historical sites and use the sites for educational purposes."
12. No response
13. "To help save Alabama's history and to disseminate historical information to the public."
14. "Provide information"
15. "To protect, preserve and interpret Alabama's Historic Places their education, & cultural means. Providing regulatory assistance thru preservation programs and grant funding."
16. "Advice to local historical entities, custodian of artifacts, information & education."
17. "Preserving Alabama's historical treasures"
18. "To protect, preserve and interpret Alabama's historic places."
19. "To educate its members through information by great speakers at meetings and by written information by mail."
20. "Don't know as I have only lived in Alabama for 7 months."
21. "Preserve and protect Alabama's historic resources."
22. "To preserve and maintain their historic properties and to provide financial and technical help to others who are trying to preserve historical sites. To help designate and mark historical sites."
23. No response

Historical Organization/Donor Questionnaire

24. "Work to preserve cultural resources of the State of Alabama, i.e. Built environment, archaeology, prehistory"
25. "To preserve items of historical significance."
26. "It was established in 1966 by the legislature to mirror and implement the U.S. Preservation Act. Additionally legislation was provided for AHC to maintain and run historic sites. The AHC is a great arm for education and outreach to and of the public."
27. "To save buildings that have historical significance."
28. "It educates the public about many properties that are of historical significance. It provides services to local historic societies. It helps to keep properties for the public."
29. No response
30. "Mrs. [REDACTED] to whom this questionnaire is addressed; over the years, has held office in numerous 'Heritage Organizations' i.e. DAR, UDC, Colonial Dames of the 17th Century, etc.; however, she has been inactive in all of them for about 15 to 20 years. She doesn't feel that she is knowledgeable enough of the facts in this review to fill out this questionnaire."
31. No response
32. "To keep the public informed about historical issues that concern the state. To act as a liaison between local historical societies to review issues that come about regarding historical restoration – to offer education on historical issues."
33. "I have never been sure. I thought to save and protect historical properties."
34. "Preserving the history of Alabama by inventorying and restoring the state's historic structures, educating the public to the need for historic preservation, petitioning and lobbying for state funds to do all this."
35. "To evaluate, alert, and protect Alabama's historical landmarks and artifacts."
36. No response
37. "The purpose of the Alabama Historical Commission is to establish policies and programs to preserve and assist in the preservation of Alabama's historical and cultural assets."
38. "I am not an active member, nor do I know much about this commission."
39. "I have been President of the Pea River Historical and Genealogical Society for two years, during which time the PRHGS has had no dealings with the AHC, nor do I know of any previous transactions between these organizations."
40. No response
41. "To preserve, restore and/or acquire archaeological and historical sites in the State of Alabama. To protect their valuable resources from destruction and/or looting."
42. "The Alabama Historical helped our local historical society organize in 1969. They assisted Landmarks of Dekalb County in many ways."
43. "To survey, record, display, advise the public Et Al of the history of Alabama in a fair and balanced manner."
44. "To promote and guide the identification, preservation and development of Alabama's unique historical resources."
45. "To protect, preserve, and interpret Alabama's Historic Properties."
46. "Historic preservation"
47. "It is set by state and federal laws"

Historical Organization/Donor Questionnaire

48. "To preserve historical data and sites and artifacts, to advise preservationists about proper documentation and techniques; educational resource, To act as clearinghouse for National Park Service for National Register Applications and Tax Projects."
49. "To protect the Historical assets of the State of Alabama"
50. "To protect, promote, and preserve state properties of historical importance"
51. "Directing the preservation of the past for future generations"
52. No response
53. "To save items and buildings of historical significance in the state and to assist local groups to do the same, including the stories that go with them."
54. "Preservation, restoration – spread the word, help protect endangered properties"
55. "To own and maintain significant historic properties in Alabama (e.g. Gaineswood, the Wheeler Plantation, the ruins of the Forks of Cypress, Fort Morgan, etc.), to encourage owners of individual structures and neighborhoods to pursue National Register status, to protect historic properties including some that are underground and underwater, to work with other state agencies (i.e. Department of Archives) to preserve Alabama's past."
56. "I don't know"
57. "To protect and preserve the State of Alabama's Historical places and assets. Supply the general public with the information needed to get assistance and knowledge to protect our historical assets."
58. "Promoting historic preservation in Alabama, preserving Alabama's historic assets."
59. "To preserve the historical heritage of the state"
60. No response
61. "To preserve Alabama's treasured places by providing the guidance and impetus to Alabama's citizens to do so."
62. "The preservation of Alabama's historical heritage"
63. "Not sure"
64. "To protect and preserve historical structures and artifacts and to assist local historical commissions such as ours represent the state as a whole."
65. "To help assist in the preservation of historical sites and to secure funding for these projects. Also to keep records of where the sites are."
66. No response
67. "To encourage and support historic preservation around the state; to initiate projects and to consult with preservationists around the State – to own and preserve historic structures and sites – above and below ground; to preserve historic artifacts above and below ground and underwater."
68. "To assist in the preservation of Alabama's historical assets"
69. "To promote and assist historical preservation throughout Alabama. To help promote heritage education and Alabama heritage tourism."
70. "To be the State agency providing oversight and leadership concerning the historic architecture throughout the state."
71. "To help and supervise organizations and individuals to preserve significant historical buildings and sites and to be the leading organization in the State for all historical activities."
72. No response

73. "The purpose of the Commission is to protect, preserve, and interpret Alabama's Historic places."
74. "I believe their purpose is to locate, preserve, and make available Alabama's Historical sites."
75. "To ensure the preservation of Alabama heritage and give aid and service to local communities and organizations interested in preservation."
76. No response
77. "My understanding is to preserve and protect all historical sites within the AHC's control for the state of Alabama. This is not what they do. They neglect those duties and have for years, regardless of the type of historical site. They do not have the ability to execute and successfully restore a historical site of any magnitude – (A) Projects are always in progress and the AHC continues to **waste MILLIONS of dollars** on master plans they never execute. **The name of the game for the AHC is to have a huge staff, pay big salaries, but yet hire all outside consultants, and don't actually ever finish or work on a project, just keep it in progress for a decade or longer, or forever basically. Show me a property they have worked on and completed, that is not in progress...there isn't one.** Everything they touch or have touched is falling down and in deplorable conditions or is always in the development stage, specifically at Wheeler, Pond Spring. (B) The AHC has no timelines and no realistic plans. **Twelve years have passed and only a very tiny amount of restoration that has taken place regarding Wheeler, Pond Spring.** This has only been because of constant pressure, and complaints from the public, and outside pressure from citizens including the media. They allowed an electrical project to sit still after a contractor walked off the job for over five years on the grounds causing a trench-hole nightmare and dangerous area at the home. Of course, with outside pressure, they finally got the project going in 2006 after stopping it in 2001 and what a surprise it is going to be completed within a few months, and had to be completely re-done because all the conduits had rotted in the ground over the past several years. They allowed a water leak in an outside building to go on for over five years that could have been fixed in a day! If the AHC had an interest in completing the project, they would have, but this is just an example of their true intentions, neglect. I have asked many times why they had a full time curator who just recently resigned who never inventoried but 150 items in his three years that he was supposed to review and inventory the historical collection of thousands of items. Mr. Myers Brown, also, told false statements under oath, in depositions that took place by our attorney regarding breaking and entering into my father, John LeGrand's building that is adjacent to the Wheeler home. Melissa Beasley, who is the employee there now full time and has been there since 1994, assisted Mr. Brown in removing many historical family items, which did not belong to the state, without permission from my father. They were returned only when my father found the items at Pond Spring, and demanded the return of other items that were taken. She (Melissa Beasley) stated she had taken these items with instruction from Lee Warner at the time, and also, said it was a simple misunderstanding. However, she later stated, Melissa did, "she was going to have to take the fall for all of this." This was brought to the attention of the leadership of the AHC staff. **The AHC talks about following museum standards, but they don't follow them at**

all. Their properties are rotting and falling down. The historical artifacts are going along with them. The last three years of my life have been devoted to bringing the neglect and horrible conditions of the Wheeler Home, Pond Spring, to light. Many of the commissioners did not believe me at first, and then a few visited and saw it suffered from eleven years of pure neglect. The two main homes were a “Petrie dish” as one commissioner stated. All the priceless artifacts were just rotting inside. All 30,000 of them were endangered. **Top leadership in Montgomery of the AHC staff continuously denied to commissioners that there was a problem at Wheeler that Wheeler was in “bad shape.”** They constantly implied that it was in no danger of demise, and also hardly ever visited Wheeler until the pressure increased. They implied that “it had always been that way.” The state auditors can tell you that upon their visits over the years the decay and deterioration of the homes and artifacts had become significant. Governor Riley noticed the serious changes in the homes in a two year period (Water leaking in the foundation of the main floors for example). Pictures of the homes in 1994 and those now tell a totally different story. Another example is how the AHC took off the siding of the home in 2001, and never worked on the houses exterior again. Today, in 2006, five years later there are no immediate plans, nor enough money to restore the outside of the home’s fragile state. The wooden structures have been rotting and exposed to all of the wild weather elements with no plans in sight to save them. **The AHC loves to start things they can’t finish, and then talk about it and never do anything to move forward to complete a project. They can’t finish a project.** After a huge undertaking by our foundation and the help of Governor Riley and two years of pressure, the artifacts were moved to storage. But from 1994 until 2005, they just sat there rotting along with the buildings. A historical treasure wasting away, that could have been a major tourism attraction and revenue generator for the state of Alabama. *Other examples... Confederate Park is one of their better properties because it is not totally controlled by the AHC.* Tourism had to take over the AHC’s inability to finish the capital restoration project in Montgomery. The Montgomery Bus Station will be in development indefinitely, with no end in sight. **This is not a historical issue. This is an issue of horrible leadership at the top and around the top that continues and has for the longest time. The Commissioners, at least the majority, just rubber-stamp all staff proposals, and don’t ask questions.** Most have no idea what the properties look like and have not visited the majority of the sites. **Only a few commissioners want actual results. The few commissioners who have cared, listened or tried to help are extremely frustrated with the way things are at the AHC.** Most just vote in agreement with the AHC senior staff. That is a huge mistake and is the core of the problem. The few good commissioners who care and want to see results are always being met with resistance by the AHC top staff. It doesn’t seem to bother the AHC leadership staff or many of the commissioners who don’t care, that years and even decades will pass with no progress. Their attitude is, “that’s just the way it is.” All talk and no walk. **Therefore, the commission’s defined purpose is absolutely no longer an accurate description of the AHC. The purpose statement should be changed to more accurately reflect the truth....**to neglect, and plan, and hire consultants, and waste taxpayer money, for the state of Alabama.”

Historical Organization/Donor Questionnaire

- 78. "To safeguard and monitor Alabama's historic buildings, sites, and established districts."
- 79. "To preserve the history of Alabama for future generations"
- 80. "To preserve and protect the cultural resources of the State of Alabama"
- 81. "To preserve the history of Alabama and present the findings to others who are interested."
- 82. "The role of the Commission is multi-faceted: but basically it is to make the citizens aware of the value of historic structures, sites, and all objects that reflect the heritage of all Alabamians and to aid in such preservation."
- 83. "To assist in preserving historical sights in the State of Alabama - and assisting w/guidance along those same lines in protecting those sights"
- 84. "To help preserve the history of Alabama – this includes people, places, and things"
- 85. "To identify, preserve and protect the historic resources of Alabama and to educate the citizens of its importance."
- 86. "The Commission seems torn between two important missions, whether to provide and administer programs statewide or to own, preserve, restore and operate very diverse historic properties."
- 87. "To protect and to preserve buildings and sites of historical importance in Alabama. To assist individuals and organizations in similar endeavors and to educate and inspire the people of the state."
- 88. "It is to bring to the public the historical places and "things". It is also to restore and care for, in a professional manner, those places and things existing."
- 89. No response
- 90. "We believe that the purpose of the AHC is to provide leadership and expertise to the public regarding the protection, preservation, and interpreting Alabama's historic places to all Alabamians present and future, and to work with grass roots organizations with the same goals."
- 91. No response
- 92. "To protect the heritage of Alabama and to foster its preservation"

2. Has your organization ever donated (money, property, assets) to the Alabama Historical Commission for a specified purpose?

Yes – 6

No – 78

No Response - 8

- 16. "In last 15 years; previous to that do not know"
- 19. "As a private person."
- 22. "They matched a \$50,000 grant in 1975 and have given us invaluable advice through the years."
- 38. "I have no knowledge of this."
- 55. "We have not actually donated any property, but we serve as the catalyst and the go-between for the AHC to acquire the ruins of the Forks of Cypress in Lauderdale County."

62. "Not to my knowledge, but you will have to check with Troy University to determine that. Contact points would be Chancellor Jack Hawkins or Dr. Douglas C. Patterson, Vice-Chancellor for Financial Affairs, both of whom are at the Troy campus."
72. "Have made no donations"
77. **"The Wheeler Foundation has not specifically donated to the AHC, but my family has which is why the Wheeler Foundation was established initially. The Wheeler Foundation is now called, The Friends of the General Joe Wheeler Foundation. In 1994 my father, John LeGrand, donated the Wheeler home and 50 acres along with nearly 30,000 artifacts to the AHC for the purpose of restoring and saving Wheeler, so many generations could enjoy the home. The AHC has** reminded us over and over this was not a donation, because my father had a tax debt with the state of \$200,000, due to an accountant that provided poor financial advice. This was an extremely tough time for my family. Wheeler had been in our family since 1872 and was left to my grandmother, who is 97 years old today. They thought that by making the donation to the state, the state would save the property and make it into a wonderful museum one day. My father accepted a tax-forgiveness as a result of turning Wheeler over to the state. However, whether he had tax forgiveness or took a tax write off in 1994 is irrelevant. Since 1994, the state has truly neglected and wasted money when they could have saved Wheeler. It could have been restored. Instead it is about to gall down (as stated in question one). My father donated a property that was priceless and was worth far more than the tax debt. Today, the AHC lists just 150 artifacts with the state auditor's office totaling nearly \$400,000, but we gave 50 acres of land, 30,000 artifacts, and five buildings. I do believe the tax debt in 1994 of \$200,000 is a minor issue. Our donation far outweighed that. The AHC asked a local community volunteer in North Alabama to meet with me in the winter of 2004. Shortly after that, Lee Warner, former director, had attended a public meeting about Wheeler, where he faced hard questions. This volunteer brought papers showing my father's debt from the AHC that were stamped AHC copies, and she shared with me that "I was going to stop asking questions about Wheeler, or Wheeler would be sold or they would go public with this information about my father's tax debt." This threatening conversation was a nightmare for me, because I felt that the AHC was trying to blackmail me for trying to find out why Wheeler had not been restored. This conversation was witnessed by a local attorney who attended the meeting with me. The volunteer did not work for the AHC but shared with me that she was the liaison for the AHC to my family. She was there representing the AHC. I felt the meeting was intentionally threatening and intimidating so that I would not pursue asking questions about Wheeler's lack of restoration and neglect. All of this information that this volunteer was holding over me was already made public in newspaper articles in 1994, and is on file as public record. However, the AHC thought this conversation would upset me so much, that I would stop demanding restoration work at Wheeler instead of consultants and master plans. It did not work. I have a transcript of this meeting. I believe that the AHC does not like being questioned or have anyone ask how they spend money or have to provide documentation. They want to do what they want to do, not what the public or state citizens hope they will do. They later denied sending

this volunteer, and said she went on her own accord with copies of the documents they provided her. I do not believe this to be true. **This attitude of secrecy and determination to prevent citizens from speaking out against the AHC continues today.** They are arrogant and believe they are there to protect their high paying jobs, not the properties. It is the biggest waste. **We could not in any good faith ever encourage anyone to donate money or a property to the AHC, knowing that it would be misspent, and neglected.** I once asked leadership of the AHC and site director Melissa Beasley of Pond Spring, Wheeler, why they could not spend a couple hundred dollars a year to mow the large grove that had grass five feet high, near the home, which I considered a fire hazard.....The response was “we don’t have enough gas money.” However, they had nearly \$475,000 dollars to spend on a master plan document that has never been implemented nor any of the recommendations. **In addition, ask the AHC, what was important to them before restoration at Wheeler? They will tell you building a new million dollar visitor center. They did not have the money, and it would be forever before they would have, if ever.** Case in point, they wanted to build a brand new shiny building before saving history first. There was nothing to visit, and if that building was ever built they would run the serious risk of having nothing to show of the run down deterioration historical buildings and treasured artifacts that had been ignored for over a decade. If we had it to do all over again, Wheeler would have never been given to the AHC in 1994, although it was under a different director at the time. However, the people that were brought in by Lee Warner, and other top level staff, continue even while he is gone, to maintain his motives. Leadership staff that were there before Warner and who remain today in specific roles, have not changed their attitude toward restoration. **They believe in consultants first, and restoration last, if any.”**

88. “I do not represent any organization, only my affiliation with ‘Lawrence Co. Historical Commission””
90. “We have donated money and other assets to the AHC to further the goals of preserving Old Cahaba, our 1st state capital. Our 1st goal is to see that the site itself is protected through acquisition.”

3. Were these donations designated to be used for the specified purpose?

Yes - 5

No - 19

Not Applicable - 68

42. “No donations”
62. “Unknown”
77. “My family believed that Wheeler would be restored and opened to the public, as stated above, twelve years later, we are no closer to this happening, and expect that this will never take place. The Wheeler foundation, as stated above, was formed to assist the AHC in this process of restoration. Unfortunately, today our foundation has become an AHC watchdog, because it has not performed its duties. The Friends of the General Joe Wheeler foundation (Wheeler foundation) are a legal non-profit

501C-3 upon which we are actively trying to raise enough money to save the homes. It is open to the public. **However, we cannot donate any money to the AHC for fear the money would be used on consultants and salaries and not actual restoration work. The current chairman of the AHC told me all donations would have to be made to the AHC foundation not the commission, which we do not believe is used to benefit the properties.** Therefore, our funds are being held in our bank account as a savings account, hoping it can be used to save the homes in the future before it is too late. Serious changes will have to take place at the AHC before any donations would be made to the AHC.”

- 88. “Pond Spring was given to the state to be restored and opened to the public”
- 90. “Our primary goal is land acquisition, our secondary goals include helping cleanup the site, assist in their educational goals for interpretation and for acquiring artifacts that came from Old Cahaba.”

4. Was your organization provided with reports showing how the donations were used?

Yes - 7

No - 17

Not Applicable - 68

- 42. “No donations”
- 55. “We received full documentation throughout the process from Robert Gamble, a very competent staff member at the AHC.”
- 62. “Unknown”
- 77. “This does not apply, due to the answer in question #3”
- 88. “Know nothing of any of this”
- 90. “The staff at Old Cahaba has been very forthcoming with any and all information we have needed to support our mutual goals.”

5. Has anyone instructed you or your organization to direct donations (money, property, assets) to the Alabama Historical Commission Foundation rather than to the Alabama Historical Commission?

Yes - 3

No - 69

No Response - 10

- 14. “We have received a few letters”
- 28. “I don’t know”
- 32. “Not to my knowledge”
- 33. “Never”
- 53. “Did not know a foundation existed.”
- 62. “No one has instructed me to do so personally, but I cannot speak for Troy University.”

Historical Organization/Donor Questionnaire

- 77. "Yes, Bill Drinkard, Current Chairman of the AHC. I was explaining to him that our foundation, prior to my realizing all of the issues at hand, would like to help raise money to save Wheeler, and he said, "You will have to donate to the AHC foundation." We, as stated above, did not do that for reasons explained in question #3."
- 79. "Not to my knowledge"
- 85. "We are not aware of a 'foundation.'"
- 88. "I have a difficult time naming the different organizations."
- 89. "Not to my knowledge"
- 90. "No, all decisions are made by the members and officers of the Cahawba Concern group."

6. Do you believe the Alabama Historical Commission and its staff are satisfactorily performing their duties?

Yes - 61

No - 10

No Response - 11

- 5. "The City of Valley work very closely with the staff of the commission and we find them to be hard working, caring and professional at all times."
- 8. "In my experience they have been professional and competent – They do a ...good job."
- 17. "I met a number of the commissioners who realized the struggles facing our organization and they were very supportive. The former Executive Director was less concerned. Before the state financial crunch, it was always a lack of funds. We accept that at this time it appears that no site is receiving funds. Through many hassles with the acting director we have gained permission to reconstruct a replica of the fort (Fort Mims) by donations and volunteer labor. Today that is almost a quarter done and we still have a small amount of money and a whole lot of determination."
- 22. "Our state needs the Historical Commission to take care of the historical sites we already have."
- 24. "Within the constraints of the past year regarding funding and lack of permanent executive director. Some Commissioners would do better to support the organization through less negativity. If they are unhappy as commissioners – they can resign."
- 26. "The Commission staff is doing an excellent job despite severe budget and personnel cuts. We have never had anything less than prompt, courteous service in our contacts and dealings with them."
- 38. "No basis for judgement"
- 41. "Even with limited funding"
- 44. "I feel they are understaffed, and as a result, do not provide the highest level of service that should be offered."
- 45. "Within the limitations of the AHC budget"
- 47. "What staff they have are trying"

Historical Organization/Donor Questionnaire

- 52. "Not applicable"
- 55. "We recognize the turmoil that is currently in motion, but staff members are highly competent professionals who perform their duties extremely well. To name a few: Elizabeth Brown, Trina Brinkley, Christie Anderson, Robert Gamble, Camille Bowman (though we understand Camille is no longer on the staff). We have worked personally with all these and more. They are excellent!"
- 56. "Don't know"
- 58. "We have greatly benefited from the expertise and hard work of the AHC staff."
- 59. "Since I have never been informed but feel my name and position has been use to say I am part of this org."
- 60. "I don't really know the organization well enough to make that sort of judgment."
- 61. "Even w/ budget & staffing cuts, they are working to save Alabama's heritage either directly or by enlisting the assistance of local organizations."
- 62. "As far as I know, but I am not closely associated with the AHC, nor do I follow its activities."
- 73. "You can see evidence of this throughout the preservation community. Percentage wise, you can only see a few vocal constituents that are making a loud noise. If you make a lot of fuss, then you get a lot of attention! But, if you surveyed all of the constituents that deal with the Commission, then you would get a true picture."
- 77. "**NO.** I am specifically referring to those in leadership roles that include financial management, interim director, those who oversee all the sites and specific site directors. I believe many of those who do the day to day operations are simply workers who have to follow their leaders."
- 80. "I'm not familiar with the day to day operations of the Commission but I do know a number of the people involved. Yes, I do believe they are conscientiously trying to carry out their duties. With the resignation of the Director, I believe there is an opportunity to become much more effective."
- 82. "Within their financial limits"
- 83. "Yes, but I think there is more that could be done to educate on the local level what can be done, but I am not sure that this is a funding issue."
- 85. "Given the quantity of staff they have they do what they can; however we feel they are significantly understaffed and could benefit preservation more if staffed appropriately. Plan review time is too long for preservation projects."
- 87. "as assigned – but I do not believe that Belle Mont in Colbert County has adequate attention to staffing and operation."
- 88. "Enclosed find a letter giving my version. I am greatly appreciative of the Ala. Historical Commission. Something just happened."
- 90. "We believe that the staff has performed above and beyond the call of duty. They often assist us with projects and have made great strides against the odds of understaffing and little or no resources."
- 92. "They do a tremendous amount of work, especially considering the constant attacks on the organization."

7. Do you believe the laws, rules, and policies regulating the collection of historical artifacts or underwater cultural resources in Alabama are appropriate?

Yes - 49

No - 21

No Response - 22

4. "Just as the state reserves for itself the right to regulate the taking of publicly owned deer and fish, so too should the state control private collection of publicly owned historical artifacts from state lands and water."
8. "Very appropriate. Efforts to change these are misguided and self serving."
10. "Don't know them well enough to comment"
11. "I have not studied this question in depth."
17. "I would rather not comment without knowledge."
18. "The laws should be stronger to protect Alabama's historic places and heritage."
22. "Anything dug up from Alabama soil or from the river belongs to the people of the State of Alabama."
26. "As stated in a public hearing in Selma, no individual or group should be allowed to plunder public lands for artifacts. This goes for rivers, gulfs, etc. These artifacts and resources are part of our heritage – not just one persons."
32. "I'm not that familiar to make an accurate judgement."
41. "Private lands – no laws. State some but strict enough to protect underwater or land resources. Hardly ever enforced when looters catch."
44. "Not familiar enough with these policies to respond."
45. "Except: more funding is needed, tax credits are needed to promote more preservation"
46. "Undecided about underwater"
47. "They probably need to be strengthened"
49. "Not applicable"
52. "Not applicable"
56. "Don't know"
58. "I don't know – never got any info"
59. "The laws and policies are inadequate to protect historically significant sites and structures. To many sites have been allowed to be demolished through neglect or misuse."
61. "These types of laws, etc., could always be more stringent & more thoroughly enforced – but I do not see this as the fault of the AHC."
62. "As far as I know, but I am not closely associated with the AHC, nor do I follow its activities."
68. "I can't comment since I don't know what the laws are."
69. "I don't know"
70. "Don't know"
72. "The rules, laws, and policies regulating the collection of historical artifacts or underwater cultural resources in Alabama need to be tougher. Just because the cultural resources are under water, the rules should not be slack. All rules

- governing preservation should be the same and the difference being the preserving method.”
73. “Should be stricter”
77. “**NO**, I support the new proposed laws.”
80. “I believe there was an honest attempt to develop laws to protect historical artifacts and underwater cultural resources. There was a great deal of time and study put into this. In addition, meetings were held throughout the state to give those interested an opportunity to learn more about the rules and policies being developed, to express their opinions and to have those opinions considered. There will always be differences of opinion about how much is too much and how much is not enough.”
81. “Don’t know enough to answer”
82. “I, myself, am not knowledgeable enough to give a answer on this particular topic.”
87. “I do not have enough knowledge to answer”
88. “I am not knowledgeable to answer this. I can only say, ‘Do they work?’”
90. “If anything, these laws are inadequate to protect the resources. Too many of our articles of historic value are being destroyed, stolen, or lost because of these weak laws.”
92. “They are not perfect however those items belong to the people of Alabama and should not be looted.”

8. Has any member of the Alabama Historical Commission or its staff ever asked for money, services, or any other thing of value in return for performing a service for you?

Yes - 1

No - 87

No Response - 3

Not Sure - 1

46. “Matching funds for various surveys – archaeological, architectural, etc.”
77. **“I am not sure if these two incidents directly answer this question, but these are two incidents that need to be mentioned. (1) Request for travel and food...In late 2004, or early 2005, Melissa Beasley, site Director at Wheeler for the AHC, emailed me and stated that Mark Driscoll, responsible for all the sites of the AHC, had suggested that the Wheeler Foundation pay for Melissa’s room and travel expenses to attend a conference on mold in NC. She provided no cost but left the offer open ended suggesting she would send receipts after the conference to us. She stated they had no money in their budget to go on a trip to North Carolina to attend a conference on mold. Since Wheeler, they finally admitted, had a mold problem which they had denied up to that point. I told Melissa, NO, a private foundation, The Friends of the General Joe Wheeler foundation would not pay for a state employee’s travel and food expenses. (2) A questionable transfer of money by Dr. Lee Warner... I would like to share information on an incident in which Dr. Lee Warner, former director, specifically had money that was from a cell tower mitigation settlement regarding the Wheeler home, “parked” in the Wheeler**

foundation account in around 2001. Dr. Warner contacted then Chairman of the Wheeler Foundation, Barrett Shelton, of the Decatur Daily. He asked him to access the foundation account to put this money and had the checks made out to the Wheeler Foundation. I was living in North Carolina at the time, and was not actively involved with the Wheeler foundation. Mr. Shelton, without the Wheeler foundation board approval or knowledge, allowed Dr. Warner to park approximately \$14,000 dollars in this account. This money would then sit in our account until September of 2003. This money should have been paid to the state of Alabama's general fund since the mitigation settlement belonged ideally to the state. However, Lee Warner stated "he bent the law" regarding this parking of money, and stated, "he did not want the state to get control of it." All of these comments are on record. In August of 2003, I contacted Lee Warner telling him that I wanted to help save Wheeler and what could I do to help...this was the beginning of my realization that restoration was not part of the plan for Wheeler, a new visitor center, and consultants were their main plan. In September of 2003, all of a sudden Lee Warner instructs Barrett Shelton to write a check via the Wheeler foundation's accountant Jim Tucker, who is no longer the accountant, to do the following...**Make out a check for \$14,000 dollars to the Alabama Historical Commission Foundation.** This is key because the money goes directly into the AHC foundation. The AHC foundation was not formed in 2001 but was by September of 2003, so therefore he bypasses the money going into the state period. The issue at hand is once the money went into the AHC foundation no one can tell us what it was spent on. In addition, when we asked for a copy of the mitigation settlement, the records had been destroyed. **In short, the \$14,000 dollars disappeared into the AHC foundation with no paper trail thereafter, and no intent of the money ever going to the state, which it belonged to in the first place, Alabama's general fund. It should have never been placed into the Wheeler foundation account. Today, no one at the AHC can access The Friends of the General Joe Wheeler Foundation account."**

- 79. "We have received a lecture from a lady about our need to work for our Historical Board."
- 85. "Staff has always been ethical and acted in a professional manner"
- 90. "No, if anything, the staff doesn't even want recognition for all of their contributions toward preserving Old Cahawba."

9. What is the most significant issue(s) that you believe faces the Historical Commission at this time?

- 1. "Staffing"
- 2. No response
- 3. "Getting it's financial health in order"
- 4. "To regain the confidence of the executive and legislative branches of state government and the confidence of the public so that the AHC can become once more the lead agency in promoting historic preservation for benefits to tourism, education, and quality of life."
- 5. "Lack of money and staff."

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6. "Reforms and reorganization"
7. "Lack of staff to perform the duties that the entity is responsible for. The need to re-evaluate the duties of the Alabama Historical Commission. A comprehensive policy on dealing with historical elements if one does not exist so that opinion of projects does not vary widely from employee to employee."
8. "Efforts by a small group (or groups) of people with a narrow view of history who feel they can impose their views on the state by getting control of the commission."
9. "Completing the documentation of locating historical sites across the state."
10. "Don't know"
11. "Finding the resources necessary to keep operations going and improve what they have under their care."
12. "N/A"
13. No response
14. "Provide information, when requested, for historic preservation. However, past visits were not that helpful. Seemed to look out for personal friends to recommend for work (preservation)."
15. "Due to the general downturn in the nation's economy, the Alabama Historical Commission does not have the income to provide the necessary grant assistance or various other program assistance that is so important to their mission."
16. "Money, new director"
17. "I only know that they are searching for an Executive Director."
18. "Protection of the state's non-renewable cultural resources and having adequate funding to ensure its success."
19. "N/A"
20. No response
21. "Lack of funding"
22. "I believe that the Commission has stretched itself too thinly and that a concentration on basics, a reorganization and firm knowledgeable leadership is in order."
23. "Local and state support of programs."
24. "Regaining credibility with legislature and potential supporters. Continually having to answer same questions from obvious detractors with one issue agendas; i.e. divers, Confederates"
25. "Probably funding"
26. "Perhaps the most significant issue is the ever-shrinking budget – this affects every facet of the AHC and funding should be increased or at least restored to what it was several years ago. It may also be a good time to re-visit the AHC mission statement."
27. "Using common sense"
28. "Money to operate – there are many significant issues that need attention."
29. "Educating public and elected officials on the importance of historic preservation"
30. No response
31. No response
32. "I would like to think it is providing assistance to local groups that are trying to preserve their own local history in some kind of restoration. I am not informed well enough to know what they are actually facing."

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33. "They will not return calls. Do not act concerned on historic properties. No help whatsoever."
34. "Securing adequate funding"
35. "Not able to preserve all of Alabama's past structures."
36. "I have been involved with the Historic Preservation Committee for 14 years since coming to Alabama. The commission was struggling with not having enough funds to provide adequate services in 1993 and it is still the major problem today. The role of the State Historic Preservation organization should be to provide services and support to the citizens and preservation entities throughout the state. Unfortunately in my opinion this State Historic Preservation entity is more concerned about the state owned properties. Until that issue is corrected, this organization will continue to be inadequate in its major mission to the citizen of this state."
37. "An absence of adequate resources appropriated by the Alabama State Legislature to meet the responsibilities with which the agency is tasked resulting in a lack of public awareness and education and a minimum of programs."
38. "Funding to restore historic sites e.g. Alabama Music Hall of Fame"
39. No response
40. "Politics"
41. "Politics!"
42. "Unable to answer this question"
43. "Lack of state funding support. Presentation of a balanced accounts of Alabama's history."
44. "Leadership. We need a strong, active, vocal presence to lead Alabama's preservation activities. This could be one of our state's greatest and strongest resources if used/done properly."
45. "More funding is needed; tax credits are needed to promote more preservation"
46. "Money"
47. "Faithfully discharging its responsibilities and duties under the law"
48. "Funding to continue offering the educational and technical services needed by citizens. Funding to study and preserve state historical assets."
49. "Not applicable"
50. "Preservation of properties such as Fort Morgan"
51. "Financial"
52. No response
53. "Providing local help and encouragement."
54. "Funding"
55. "Obviously, at least from our viewpoint, the position of top leader is in question. Getting the right person in that job is critical to the AHC's request. Elizabeth Brown is performing well in the interim – as she always does in any circumstance."
56. "Don't know"
57. "Maintain and improve our historical assets as well as funding an ongoing mission."
58. "Budget constraints"
59. "Using its resources to preserve the heritage in a balanced manner, not just the white heritage."

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60. "Changing the perception of historical preservation. Most citizens believe that local and regional history should be preserved intact, but there is a big disconnect between the local wishes of citizens and the business community that seeks to expand through construction and property development."
61. "Funding cuts"
62. "I have no idea. I am not closely associated with the AHC, nor do I follow its activities."
63. "N/A"
64. "Finances and personnel. Hopefully, this will enable even greater participation with local historical groups."
65. "No money"
66. "If reports are correct, bad bookkeeping and appropriate oversight on some things."
67. "One issue is funding for properties and their maintenance. The major issue is the resolution of problems brought about by recent conflicts of interest between various groups."
68. "A loss of confidence in the integrity of the organization caused by the actions of the former executive director."
69. "Funding and expanding efforts of AHC throughout the state."
70. "Staffing, leadership, attacks from radical groups, lack of political support."
71. "The Commission needs good honest fair and responsive leadership."
72. No response
73. "Permanent leadership is the most critical issue facing the Alabama Historical Commission today. The Agency needs a permanent Executive Director and adequate funding enough to do some good work. If you look at other state preservation programs, you will see that we are last when it comes to protecting our **diversified** heritage. The Commission also faces a critical resource shortage of personnel. This will have to be rebuilt."
74. "Places in Peril, Hurricane 2005"
75. "Lack of the public having knowledge of the services available to them through the commission."
76. "Funding"
77. "Lack of accountability, lack of leadership, lack of credibility, lack of actual physical restoration results, lack of financial management, lack of trust, lack of effective project management. A new director is desperately needed who is a business person who can provide measurable actionable results and leadership and who will LISTEN not IGNORE THE PUBLIC, and understand the need to save Alabama's history."
78. "Funding"
79. "To continue to be aware of the need to collect and keep as many antiques from the public. Restore and protect all items donated."
80. "Hiring a new director and regaining credibility"
81. "Preservation of historical structures and artifacts"
82. "Financial. Without the ?????? the Legislature very few of the outstanding goals can be accomplished."
83. "Funding – Aren't we all? We need to keep the Al. Historical Commission at work educating and enlightening preservationist all over our state."

84. No response
85. "Funding, Education of the public"
86. "Currently the AHC is operating with a dual mission. To do either well it should choose which one should be its mission. The first is to provide and administer programs statewide. The Second is to own, preserve, restore, and operate historic properties. At one time the average citizen of Alabama interested in historic preservation thought that the way to insure survival of the local historic treasure was to place it in the hands of the AHC. Nothing could be further from the truth. At present scores of these treasures, ranging from single structures to entire villages, are falling into ruin. Many of these were preserved in private hands until recently. Any other State would allocate the funds necessary to develop these sites in showplaces for historic preservation and tourism. (1) Funds allocated to the AHC are not nearly enough to adequately maintain and operate all their properties much less develop them. (2) Well-intentioned accountability laws and other bureaucratic red tape not only slow the time-line of stabilization or restoration projects; these delays sometime result in cancellation of the projects. (3) Those well meaning laws and red tape also devalue even the small funding allocated for these projects by siphoning dollars to repetitive studies, engineering, and time delays for legal work, comptroller agency requirements, and contract approvals. (4) The AHC central office personnel and many site directors operate in a bureaucratic culture and are with few exceptions well meaning bureaucrats. (5) Dr. Warner hired new employees in the central office and at the properties and with his departure, the ensuing budget cuts, and the RIFs both staffs have been in a constant state of anxiety. (6) Central office personnel with the pressures of splitting time and resources between so many properties can never focus enough to bring sustained development to any one property."
87. "Lack of funding, inability to operate museum properties"
88. "I am not capable of answering this. The members are important people, and have many obligations. But what is everybody's business gets to be nobody's business."
89. "Pubic relations is one"
90. "The historic sites around the state, which are what the average Alabamian sees as the face of the AHC, are greatly lacking in financial or political support. These places should be the shining examples of preservation."
91. No response
92. "Sunset committee, funding, staffing, properties"

10. What is the commission doing to address the issue(s)?

1. "I don't know"
2. No response
3. "Lay offs; closer scrutiny of expenditures; reviews of its historic property operations."
4. "The commission seems to be in complete disarray. Commissioners are divided over the proper course of action, with some anxious to divest the commission of some or all properties. The staff seems to have focused on routines tasks. There is

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- no apparent leadership from the governor, legislators, commissioners, or staff to find...”
5. “I feel that Elizabeth Brown and her staff are doing the best they can to make the commission best and provide all the services they can.”
 6. “Do not know”
 7. “I am not aware of anything at this time.”
 8. “Trying to educate legislators and the public to the danger these efforts pose.”
 9. “Some survey work has been done but not every county”
 10. No response
 11. “Unsure”
 12. “N/A”
 13. No response
 14. “?”
 15. “Various deadlines have been delayed, cut backs in place along w/ lobbying the Commission’s purpose.”
 16. “Search committee”
 17. “Searching through use of a private agency.”
 18. “Review of development projects that could adversely effect cultural resources. Working to provide appropriate laws and regulations to protect heritage resources.”
 19. “N/A”
 20. No response
 21. “I don’t know”
 22. “Under the leadership of Ed Bridges, as State Historic Preservation Officer, much of #9 has been done.”
 23. “Have held several meetings, etc. to educate and assist local commissioners.”
 24. “Working with state finance director and auditors. Attempting to develop relationships with adversaries & respond to those concerns.”
 25. No response
 26. “I’m not really certain but I hope they will not continue to let bright, dedicated employees leave for other jobs and/or states. The AHC does not need to be abolished or ‘turned inside-out’. The staff of the Historical Commission can be given but high marks and kudos from us. We have had need of their knowledge and expertise countless times, and never have we received anything but competent and qualified answers and assistance. We have partnered several projects with the Commission. Some of these projects were for ‘knowledge and guidance’ only, while others were through matching grants and/or property purchases. The Society has never felt dictated by or under the demands of the Commission. The Selma-Dallas County Historic Preservation Society is most concerned about the future of the Commission. We cannot even try to imagine doing without the Alabama Historical Commission. Organizations such as ours would be severely handicapped in our missions without the aid and services provided by the Alabama Historical Commission.”
 27. “?”
 28. “I’m sure they work with public and legislature”
 29. “Certified local government end of year conference, training of local historic commissions, educational publications and newsletter.”

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30. No response
31. No response
32. "I read the newsletter that comes to our Arab Historical Society and realize they are at work addressing several issues across the state. I am not informed as to how they are doing this work."
33. "Nothing – very disappointed with them."
34. "Not familiar with daily operations but it would appear they are doing the best they have with inadequate funding. Look what an outstanding job they have done with the State Capitol building."
35. "I believe articles released to the public concerning the preservation of homes and buildings alerts the danger of loss to 'modern day progress' within our state."
36. "Very little or nothing in my opinion. The commission seems to be unable to recognize its first objective of providing services and support to local historic preservation organizations in the state of Alabama."
37. "The fault resides with the Alabama State Legislature, not the Commission or its staff."
38. "Not sure"
39. No response
40. "Don't know"
41. "Survive drastic cuts in budgets and staff. They are managing to do the best with the least that the State provides them."
42. "Unable to answer this"
43. "I know not"
44. "I feel they are in 'stop-gap' mode – neither going backward nor moving forward at this time due to staffing/budget issues."
45. "Works with the legislature to promote more funding and tax credits"
46. "Unknown"
47. "Do not know. I work with them only on National Register work – which continues to advance, slowly"
48. "Newsletters, brochures, personal assistance when requested from knowledgeable staff and experts."
49. "Not applicable"
50. "Not much"
51. "Not applicable. The affiliation that the LaGrange Living Historical Association has with the Alabama Historical Commission primarily is: The organization that transfers our state grant funds we receive from the state of Alabama. We report to the Historical Commission how the funds were spent. The Historical Commission transfers the report on to the state. In 1995, a bill successfully sponsored in the State Legislature by Sen. Bobby Denton and Rep. Marcel Black, allowed the Alabama Historical Commission to transfer ownership of the LaGrange property to the LaGrange Living Historical Association. This transfer of ownership is explained in more detail in the attached article. The list above is the extent of our affiliation with the Alabama Historical Commission. Our knowledge of the Commissions operations comes from what we read in the newspapers, from a quarterly Commission newsletter and from individuals who work with some of the Commissions property here in North Alabama."

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52. "The Mobile Museum of Arts has received your questionnaire regarding the Alabama Historical Commission. Our registrarial records and development records reflect no museum affiliation with the Commission. Our Assistant Director and Chief Curator, who has been with the museum for more than 15 years, has no knowledge of any informal affiliation. Therefore we are not equipped to complete your survey."
53. "I have no idea, nothing noted."
54. "Not enough"
55. "We hope it is aggressively advertising the top position and carefully screening the applicants. Finding the right person is the key for AHC's future. The AHC is vital to Alabama's future. Please don't even think about dismantling it!"
56. "Don't know"
57. "From what I understand, comprehensive studies and plans are in place for review and recommendations."
58. "Our organization is a Main Street program. We are part of a National Main Street network. In Alabama, the Main Street operates under the aegis of the Alabama Historical Commission.
The Main Street program was developed to be a tool for the redevelopment of older commercial districts – America's small towns. It has been highly successful not only for historic preservation, but for economic development as well. In some states the program is sponsored under a state agency responsible for economic development.
AHC has been extremely helpful to us in supporting our Main Street program. They have provided all sorts of expertise and advice to help direct our efforts. We have not paid any money to them, and the only monies we have ever received from them were grants for historic preservation. These grants have made a tremendous difference by providing incentive for preservation and improvement of older buildings in our downtown. They have leveraged a great deal of private investment that can be easily demonstrated to have improved the economy of our City and, by extension, the state. Another matching grant provided incentive to have residential historic properties identified and listed on the National Register of Historic Preservation.
I encourage the State's continuing support of the Alabama Historical Commission and its efforts to improve Alabama."
59. "Who knows"
60. "My opinion is that the commission is fighting to maintain the small gains made over the years. Unfortunately, Alabama is not seen as a state that respects its heritage through preservation."
61. "They are doing a great job with the resources they have."
62. "I have no idea. I am not closely associated with the AHC, nor do I follow its activities."
63. "N/A"
64. "I feel like they are doing a good job with their limited personnel with local groups such as ours.
Our experience with the Alabama Historical Commission has been great and Ms. Elizabeth Brown and her staff have always been cooperative and responsive to our

needs. We feel she has done a great job in responding to the State needs as a whole.”

65. “?”
66. “We really don’t know. We have heard no reports.”
67. “I believe the Commission is seriously attempting to address the issues and work with the groups according to their needs and within the parameters of the Commission’s mission.”
68. “The current staff are performing their duties effectively and providing needed assistance to those who call on them. The services they provide are vitally important and have a significant economic impact on many of our cities - particularly services that relate to tax credits.”
69. “Best they can to carry on their goals with limited funding. I have worked with the Alabama Historical Commission for about 40 years. Working with many of the directors and staff I know the outstanding work and accomplishments made by this State Agency. Through the efforts of this agency, Alabama now has many historical landmarks that creates and encourages heritage tourism and a basis for our younger generations to learn. The Alabama Historical Commission has specifically helped Northport and Tuscaloosa areas in establishing the historical districts, grants for historical structures, as well as, guided local volunteers in doing work that benefits our community and state. The efforts and programs of AHC have produced economic benefits for our community and Alabama.”
70. “Not a clue”
71. “I don’t know”
72. No response
73. “I think that the Commissioners’ in fighting and listening to one constituency instead of looking at the whole picture is hindering it from addressing the significant issues confronting the Commission – that is protecting, civil rights and war, and Native American Heritage equally.”
74. “Press release”
75. “Newsletters and workshops on preservation are scheduled and announced usually from several weeks to a couple of months ahead of time. Their preservation newsletter is most beneficial.”
76. “?”
77. “Overall, I am not sure anything, but they are searching for a new director. However, no update has been provided regarding this process after it was announced many months ago. The fear is this, if you hire someone from out of state who is not familiar with the problems at the AHC, nothing will change. Dr. Lee Warner was hired from an executive search firm, and was not checked out properly. The problems significantly increased and remain as a result of his time at the agency. **The AHC should be eliminated, or reorganized, and should divest of properties they cannot take care of. They do not have the money. The money they had they wasted.**”

We are grateful that the Sunset Committee and the office of Ron Jones continues to closely review the operation and executions of the Alabama Historical Commission. The Alabama Historical Commission is the worst financially managed agency I have ever seen. It has terrible internal staff leadership. Those staff members

constitute most of the top-level employees. They are guilty of intentionally neglecting actual restoration work, while engaging in outrageous, wasteful spending on expensive master plans. Most of the commissioners (with only a couple of exceptions) do not attend meetings and are truly unaware of the deplorable conditions of the properties. The commissioners do not run the AHC...the **STAFF** does, unfortunately. Top level staff members dictate to the commission how things go, and therefore, the problems continue. There are several good employees at the AHC, but they are in the medium to low employee salary rankings. **The highest paid salary employees are the central problem of the AHC.** There are commissioners who follow those employees' direction, no matter what the consequences of these actions. This keeps the problem of severe mismanagement and waste alive. Nothing will change unless certain upper-level staff members are either: fired, transferred out of positions of responsibility, or held directly accountable for their decisions and actions. Please review my answers to your questions. Thank you again, on behalf of the people of Alabama, for reviewing this deeply troubled and highly incompetent organization. **Regardless of the type of historical property from civil rights to the Civil War, the Alabama Historical Commission neglects all of its properties and is an embarrassment to this state.** Thank you for the opportunity to answer these questions. I am on behalf of my family and The Friends of the General Joe Wheeler Foundation grateful for the opportunity to express my honest concern regarding the multi-level problems of the Alabama Historical Commission."

- 78. No response
- 79. "I hope everything they possibly can."
- 80. "Efforts to hire a new director and public meetings"
- 81. "Don't know"
- 82. No response
- 83. "I am not sure what you are asking for. All I know is that they have always been there for our museum staff when they have been called upon. They still keep abreast of the changing times in preservation."
- 84. No response
- 85. "Not aware of funding items – website is good educational source."
- 86. "The AHC has proposed to reduce the number of those historic properties owned and operated by the Commission. The AHC has instituted a ranking system to help with this determination. The AHC does not yet have a time-line or method of disposal of these properties. The number of properties to be kept seems to exceed the funds available for proper operation and development of those properties. What in addition should be done? (1) Streamline accountability laws and other red tape, even the so-called "fast-track" as they relate to the preservation of state owned historic properties. (2) Get as many of the properties as possible in to the hands of other entities. (3) Let the Governor and Legislature make the financial comments necessary for State development of top tier historic properties. (4) If top tier historical properties are adequately funded including development funds, and the State wants to remain in the historic properties business then replace the existing agency in charge of that function with a much more nimble new agency designed to

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function in this century. Do anything but do not leave these fragile historic treasures under this underfunded, slow, cumbersome, inefficient bureaucracy.”

87. No response

88. “I have no idea!”

89. “Acting”

90. “We feel that there has been a lack of focus or allocation of limited funds to support these public places. There could be better support from the Montgomery staff toward those on the front line.”

91. No response

92. “I have no idea what the commission is doing, but the staff is working above and beyond.”

Alabama Historical Commission Foundation Donor Questionnaire

A questionnaire was sent to sixty (60) organizations/donors identified from the receipt records of the Alabama Historical Commission Foundation, Inc. Nineteen (19) responded.

1. What is/should be the purpose of the Alabama Historical Commission?

1. "To promote the preservation of Alabama's historical sites."
2. "To preserve Alabama history"
3. "To preserve & restore sites of History for state of Alabama"
4. "Promote and encourage the preservation and restoration of Alabama's cultural resources."
5. No response
6. "To encourage, develop and carry out protection of historic sites and events within the state and progressions of this purpose. To operate historic parks and sites."
7. "Protect, preserve, and interpret Alabama's historic places"
8. "N/A"
9. "To facilitate a repository for historical artifacts and data for viewing and research"
10. "To restore, protect, and exhibit historical properties of the state."
11. "The purpose of the A.H.C. should be to protect and preserve historic properties all over the state of Alabama. The staff have lost their ability to realize that they have not accomplished their mission. I have had the A.H.C. staff tell me that they have taken care of the Wheeler Home for the last 12 years and that they are proud of their accomplishments at the home. They argue that the artifacts were not in any danger when in reality they were with mold and mildew growing on books and other objects in the home. The electrical work went unattended for four years until we made an issue of the unfinished work of the contractor who walked off the job. Finally the A.H.C. addressed the situation and it is in the process of being repaired this year. These are just a few examples of their inability to preserve and protect."
12. "No opinion"
13. "To preserve some of Alabama's historic buildings, primarily public buildings or facilities."
14. "Fund historical events, do archaeology assessments, maintain museums, do education activities."
15. "The purpose of the Alabama Historical Commission is to manage the laws and funds which are dedicated to the preservation of the historic treasures of Alabama. In order to carry out their mission the Alabama Historical Commission does many things, as follows: (1) Documentation of historic buildings and places following the extensive federal guidelines and adding these places to the National Register of Historic Places and the Alabama Register of Historic Places. (2) Files for and administers grants from the federal government and private funds and endowments dedicated to historic preservation. (3) Restoration, preservation and administration of properties owned by the State of Alabama (such as Ft. Morgan on the Gulf Coast, Pond Spring Plantation in Lawrence County, Belle Mont in Colbert County,

Gaineswood in Demopolis, Fendall Hall in Eufaula, Old Cahaba state capitol site, etc.). (4) Administration of programs such as “Main Street” to revitalize central business districts of cities, towns and villages. (5) Publication of newsletters, guidelines, and books to inform the public of their mission and activities. (6) Development and guidelines for historic neighborhoods to save whole districts as good, convenient, safe places to live, and thereby provide an antidote to urban sprawl. In carrying out its mission of saving our rich heritage the Historical Commission provides the State with millions of tourism dollars. Often accused of impeding progress, it has over and over again proved that protecting the irreplaceable makes good financial sense. As stewards of Alabama tax money they have often done their work on a shoe-string (such as having a one-person staff taking care of a dilapidated mansion).”

16. “To protect, preserve, and interpret Alabama’s historic places”
17. “Preservation, management and promotion of Alabama’s historic sites.”
18. No response
19. “Preserving architectural treasures of the state, providing assistance to local governments and preservation organizations”

2. Do you believe the laws, rules, and policies regulating the collection of historical artifacts or underwater cultural resources in Alabama are appropriate?

Yes - 12

No - 2

No Response - 5

1. “I am not qualified to answer this.”
6. “As far as I know.”
8. “Should be stricter”
11. “Now yes, but not in the past. In the most recent past I did not think the A.H.C. was doing a good job but recently there has been a change in the interpretation of the law and some terms have been clarified and the divers are pleased with the revised regulations. Hopefully these changes will be followed by the A.H.C.”
12. “No opinion”
15. “I believe the laws, rules, and policies regulating the collection of historical artifacts or underwater cultural resources in Alabama are appropriate and should be kept and made stronger. Since Alabama has more navigable waterways than any other state we have more underwater artifacts and shipwrecks to preserve and guard from profit seekers. Once the artifacts have been removed they can never be replaced.”
16. “My job description does not include working with the collection of historical artifacts or underwater cultural resources; therefore, my knowledge does not cover the laws, rules, and policies regarding this matter.”
17. “I am not familiar with the laws, etc. in question.”

3. What is/are the most significant issue(s) you believe the Historical Commission faces?

1. "I am not familiar with current circumstances."
2. "Funding shortages"
3. "Raising funds to support the Commission"
4. "Attempting to regulate private development that either changes or potentially could change the historical culture 'culture' of an area."
5. "Contributions – there are too many charities."
6. "Lack of budget and support to carry out needs."
7. "State funding. St. Stephens is the birthplace of Alabama and has not received any state funding for the past 3 years."
8. No response
9. "Making historical data available for the public"
10. "Funding, indifference, and ignorance on the part of the legislature."
11. "The A.H.C. faces the issue of regaining credibility, accountability and support by the individuals and groups they work with on projects. Different factions all over the state have been promised restoration and preservations of various sites but instead have seen these promises broken. They need to reevaluate their mission, their current staff and their ability to carry out their goals. They preserve certain jobs and salaries as opposed to preserving historic properties. They need a major overhaul of the entire agency and they need a trustworthy Executive Director who can lead. They need someone who knows how to work with the legislature in Alabama and who has good business sense and someone who can straighten out the mess the agency is in and correct all the mismanagement."
12. "No opinion"
13. "Selecting the historical artifacts to be preserved, without spending more money than is available for that purpose."
14. "Funding. They don't have enough employees."
15. "The most significant issue I believe the Historical Commission faces is public apathy to the loss of our rich history and thereby executive and legislative opposition and inertia to the mission and aims of historic preservation. There is a groundswell of opposition and apathy to the idea of saving our history. The amount of tourism dollars that come into the state to see our historic places is not recognized. An improved quality of life derived from saving the fabric of our shared heritage is not worthy of tax dollars. I have been closely involved in historic preservation since my teenage years in Charleston, S.C. I have known and admired the work of many of the professional people who work for and who volunteer for the cause of historic preservation in Alabama for forty-eight years."
16. "Financial"
17. "Funding"
18. No response
19. "Lack of proper funding"

4. Regarding funding of historic preservation in Alabama, have you ever made donations to:

a. The Alabama Historical Commission

Yes - 5

No - 10

Not Sure - 4

If so, how much was your donation?

3. "\$20"
4. "\$50"
5. "\$1,000"
6. No response
7. No response
8. No response
9. No response
10. "\$60,000"
17. "\$10,000 per year 1996-2002, 2005"
18. "\$1,000"

b. The Alabama Historical Commission Foundation

Yes - 6

No - 7

Not Sure - 4

No response - 2

If so, how much was your donation?

1. "Approximately \$2,000.00 in cash and \$700.00 in materials"
2. No response
5. No response
7. **"Alabama Department of Archives/History \$150,000 – J.L. Bedsole Foundation"**
8. No response
9. No response
10. No response
11. "\$20,000"
13. "\$10,000 - \$5,000 to Alabama Historical Commission Foundation and \$5,000 to Highland Parks Neighborhood Association – See attached copies of checks and correspondence. **It was "Blackmail".**"
14. "I am a "Friend of Fort Toulouse."
15. "I have never made a donation to the Alabama Historical Commission. In 1987 I was involved in the formation of the Alabama Trust for Historic Preservation as a

501 (c)(3) organization to establish a revolving fund and lobbying effort for historic preservation in Alabama and was a member of its board for nine years. I have donated about \$1000 per year in cash and in kind for the purpose of establishing a statewide funding and lobbying effort for historic preservation in Alabama. Now known as the Historic Trust for Historic Preservation, I have been instructed to make my donations to them by my tax preparer. Since 1958 I have been appointed to several boards by local organizations to give public input as to the impact of federal programs on urban renewal, highway construction, cemetery preservation, school construction, etc. I have lobbied the Decatur City Council, the Morgan County Commission and state legislative delegations and the governor of Alabama and Alabama members of Congress on preservation issues. With my husband I have been for many years very active in support for the preservation and reconstruction of Pond Spring Plantation (known as the Wheeler estate). We believe that this property is of national significance as an illustration of nineteenth and twentieth century life in Alabama which is largely intact.”

16. “\$10,000 per year 2003 & 2004”

5. Was your donation(s) designated to be used for a specific purpose?

Yes - 6

No - 9

Don’t remember - 1

No response - 3

For what purpose was the donation(s) to be used?

1. No response
2. No response
3. “For restoration of the USS Alabama Ship in Mobile, Alabama
4. No response
5. “Restoration, Joe Wheeler Plantation”
6. “I did donate a brass cannon to Ft. Morgan with a couple of thousand dollars without restrictions.”
7. “Restore building and reading room”
8. “Summer camp”
9. No response
10. No response
11. No response
12. “Related to a real estate transaction involving the Huntsville freight depot; transaction between AHC and Norfolk Southern Railway Co.”
13. No response
14. No response
15. No response
16. No response
17. No response
18. No response

19. No response

6. Has anyone instructed you to make your donation(s) to the Alabama Historical Commission Foundation rather than directly to the Alabama Historical Commission?

Yes - 3

No - 11

No response - 4

Not Sure - 1

1. "Not that I remember"

11. "I didn't know there was a foundation."

12. "Don't know"

7. Do you believe the Alabama Historical Commission and its staff are satisfactorily performing their duties?

Yes - 12

No - 2

No Response - 5

3. "I know not"

6. "I do not know all responsibilities of the Commission but I know some staff members. Their main problems seem to be not enough funds to accomplish what is prescribed."

8. "N/A"

10. "As well as they can considering the commission has never been properly funded."

11. "And I know from first hand experience that they are not performing their duties."

12. "No opinion"

14. "Within their limit"

15. "I believe that the Alabama Historical Commission and its staff have satisfactorily performed their duties and that we have had one of the best and most professionally run state organizations in the United States."

8. Has any member of the Alabama Historical Commission or its staff ever asked for money, services, or any other thing of value in return for performing a service for you?

Yes - 1

No - 17

No Response- 1

6. "While I don't know the mission of the Historical Commission every person I've had contact with has always been professional. I do know that early on there was no archaeologist for the state and investigations were contracted out. Now there are state archaeologists. Most historical sites have suffered budget lacks or cut backs. I'm not sure that the Historical Commission has ever had sufficient budget to carry out the programs expected of them."
11. "But I have never asked for them to perform a service for me."
12. "Not to my knowledge, unless part of real estate agreement signed/dated 4-16-04"
13. "See attached correspondence"
14. "I am a volunteer working on their projects at Fort Toulouse"
15. "No member of the Alabama Historical Commission or its staff ever asked for money, services, or any other thing of value in return for performing a service for me. They have, in my estimation, treated fairly every part of the state equally and have not favored south Alabama, or the Black Belt or North Alabama, or the Wiregrass over any other. They have also tried to treat all races fairly and resisted politically dominant white-folks efforts to downplay the dark days of the civil rights struggle. One of the greatest achievements of the Alabama Historical Commission was to oversee the revamping of our Alabama State Capitol building into a functional and beautiful building. They did it right. They did not let folks do anything shoddy for political reasons. 'Those who cannot remember the past are condemned to repeat it', Spanish philosopher, George Santayana. 'What history and experience teach us is this: that people and government never have learned anything from history or acted on principles deduced from it', German philosopher, George Friedrich Hegel. The preservation of the fabric of our past teaches valuable lessons with regard to past successes and failures of leaders, economic systems, forms of government, and other recurring themes in the human story. When we have a good state agency which has proven itself effective in many ways, we should keep it. Destruction of this cultural asset is not a good way to save money."

Appendices

Statutory Authority (State)

ARTICLE 10. HISTORICAL COMMISSIONS.

REFERENCES

CROSS REFERENCES

As to historic preservation commissions and architectural review boards, see § 11-68-1 et seq.

As to Department of Archives and History, see § 41-6-1 et seq.

As to USS Alabama Battleship Commission, see § 41-9-340 et seq.

As to State Capitol Preservation Commission, see § 41-9-510 et seq.

DIVISION 1. ALABAMA HISTORICAL COMMISSION.

§ 41-9-240. Legislative findings; purpose of division; creation of commission.

References

The historical heritage of the State of Alabama is among its most valued and important assets, and the preservation of historic sites, buildings and objects within the state is of great concern to Alabama and its people. It is of special value to the youth of Alabama as a constant reminder of the circumstances under which our state was born and nurtured and under which our great nation has developed. To further foster the understanding and preservation of our heritage, there is hereby created and established an agency of the State of Alabama to be known as the Alabama Historical Commission. (Acts 1966, Ex. Sess., No. 168, p. 190, § 1.)

REFERENCES

CROSS REFERENCES

As to state flag display, see Chapter 2A of Title 1.

LIBRARY REFERENCES

American Digest System:
States 45.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 136.

§ 41-9-241. Commission a public body corporate. [References](#)


The commission, as an agency of the State of Alabama, constitutes a public body corporate and shall have, in addition to those set forth specifically in this division, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this division, together with all powers incidental thereto or necessary to the discharge of its powers and duties.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 8.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  45, 67.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 120-121, 136-138, 140.

§ 41-9-242. Purpose of commission. [References](#) [Annotations](#)

The purpose of the Alabama Historical Commission, hereinafter referred to as the commission, shall be to acquire in its own name or in the name of the State of Alabama by purchase, devise, lease, assignment, license, condemnation, gift, bequest, transfer or otherwise buildings, objects and sites deemed worthy of being preserved, improved, protected and maintained for or on account of their particular historic, archaeological or architectural significance, including adjacent properties deemed necessary for the proper setting, use and administration of same, and said buildings, objects and sites shall include, but shall not be limited to, the following:

- (1) Buildings in which events of great significance to Alabama's or the nation's history have taken place and the sites surrounding them;
- (2) Birthplaces or residences of outstanding personages and the sites surrounding them;
- (3) The sites of historic or significant events in Alabama or United States history, including military engagements, Indian treaties and massacres;
- (4) Buildings of significant or outstanding architectural value;
- (5) Buildings, sites, objects or monuments of special significance to our cultural, military, social, economic, religious or commercial heritage, including post roads, traces, ruins, railroads, plantations, wharfs, missions, places of treaties, cemeteries, fortifications and places of worship; and
- (6) Archaeological sites for excavational, salvage, protective and interpretative purposes.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 2; Acts 1971, No. 500, p. 1213, § 1.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  45, 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 120-121, 123, 136-138, 140.

ANNOTATIONS

CASENOTES

Generally 1 enter p

1. Generally

If, where fraud is not evident, the court sets itself up as a reviewing authority of purchases by the Alabama historical commission, litigation could result seeking the court's supervision and revision of activity that rightfully is the responsibility and prerogative of the governmental agencies and bodies concerned. This the courts are without constitutional authority to do and will not undertake to do. *State ex rel. Baxley v. Givhan*, 292 Ala. 533, 297 So.2d 357 (Ala.1974).

§ 41-9-243. Composition of commission; qualifications, appointment, terms of office and removal of members; vacancies. [Historical Notes](#) [References](#)

The commission shall consist of 20 members, one of whom shall be the Governor, one of whom shall be the Lieutenant Governor, one of whom shall be the Speaker of the House of Representatives, one of whom shall be the Director of the Department of Archives and History, one of whom shall be the Director of the State Bureau of Tourism and Travel, one of whom shall be the Commissioner of Conservation and Natural Resources, one of whom shall be the Director of the Technical Staff of the Alabama Building Commission and 13 other persons to be appointed by the Governor, one of whom shall be selected from a list of three nominees submitted by the Alabama Council of the American Institute of Architects, one from a list of three nominees submitted by the Alabama Historical Association, one from a list of three nominees submitted by the Alabama State Chamber of Commerce, one from a list of three nominees submitted by the Alabama Farmers Federation, one from a list of three nominees submitted by the President of the University of Alabama, one from a list of three nominees submitted by the President of Auburn University, one from a list of three nominees submitted by the President of the University of South Alabama, one from a list of three nominees submitted by the President of Troy State University, one from a list of three nominees submitted by the President of the University of Montevallo, one from a list of three qualified archaeologists nominated by the Alabama Archaeological Society and three from the state at-large.

Said nominees and appointees shall be persons who have demonstrated interest in and concern about the preservation of this state's rich history and traditions and who are conversant with the history of the state and who are qualified to direct and supervise the

work of the commission.

The members appointed by the Governor shall serve for terms of six years each; except, that the terms of the members of the first commission shall be three years for one half of the members appointed by the Governor and six years for the remaining members. After the expiration of the term of the initial members, all members appointed by the Governor shall be appointed for terms of six years each.

Any member of the commission may be removed by the Governor for cause, and vacancies in the commission shall be filled by the Governor by the appointment of a competent and qualified person for the unexpired term, from a list of three nominees submitted to him by the organization which originally nominated the member being replaced.

The Chairman of the Restructured Historic Chattahoochee Commission shall serve as an ex officio policy making member of the commission.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 13; Acts 1969, No. 768, p. 1366, § 1; Acts 1971, No. 500, p. 1213, § 9; Acts 1973, No. 1077, p. 1831; Acts 1992, No. 92-108, p. 178, § 7.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes


The last paragraph of this section was added by the Code Commissioner in order to conform the provisions of this section with the provisions of former § 41-9-304, as amended.

Acts 1992, No. 92-108, § 8 provides: "All actions taken by Alabama Farmers Federation or its officers in conjunction with or pursuant to the authorization to Alabama Farm Bureau Federation contained in Sections 2-3-24, 2-19-130, 2-26-71, 2-27-6, 2-27-30, 9-8A-3 and 41-9-243, Code of Alabama 1975, since the time of the change of name of said organization from Alabama Farm Bureau to Alabama Farmers Federation, are hereby ratified and confirmed."

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  46, 47, 48, 51, 52.

Corpus Juris Secundum:

C.J.S. States §§ 61, 80, 83-84, 87, 91-94, 96, 98-102.

§ 41-9-244. Members to serve without pay; expenses. [References](#)

No member of the commission shall receive any pay or emolument other than his expenses incurred in the discharge of his duties as a member of the commission which expenses shall be paid in the amounts provided for in Article 2 of Chapter 7 of Title 36 of this code. All such expenses are to be paid from the funds of the commission.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 14.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 60(1).

Corpus Juris Secundum:

C.J.S. States §§ 104-108.

§ 41-9-245. Meetings generally; quorum; organization and procedure; officers.


References

The commission shall hold an annual meeting at the Capitol building in Montgomery, and eight members of the commission shall constitute a quorum for the transaction of business. Additional meetings will be held at such times and places within the State of Alabama as may be considered necessary, desirable or convenient upon call of the chairman or, in the case of his absence or incapacity, of the vice-chairman. However, by four-fifths vote of the commission, such meetings may be held outside the State of Alabama. The commission shall determine and establish its own organization and procedures in accordance with the provisions of this division and the general law. The commission shall elect a chairman, a vice-chairman, a secretary and a treasurer, and such officers shall hold office for a period of one year and until successors are elected. (Acts 1966, Ex. Sess., No. 168, p. 190, § 15; Acts 1969, No. 768, p. 1366, § 2.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140.

§ 41-9-246. Board of advisors. [Historical Notes](#) [References](#)

(a) There is hereby established a Board of Advisors to the Alabama Historical Commission. Said board of advisors shall consist of no less than 15 persons. Each of the below listed societies, organizations, individuals, commissions and institutions shall have the authority to name one member of said board and shall submit the name of said person to the chairman of the commission prior to the annual meeting of the commission:

- (1) The Alabama Division, United Daughters of the Confederacy;
- (2) The Alabama Society of the Daughters of the American Revolution;
- (3) The Alabama Society of the Daughters of the American Colonists;
- (4) The Mobile Historic Development Commission;
- (5) The National Society of the Colonial Dames of America in the State of Alabama;

- (6) The Huntsville Historic Preservation Commission;
- (7) The Alabama Department of the Sons of Confederate Veterans;
- (8) The Gorgas Memorial Board;
- (9) The Hobson Memorial Board;
- (10) The Cahaba Advisory Committee;
- (11) The LaGrange Historical Commission;
- (12) The Fort Morgan Historical Commission;
- (13) The USS Alabama Battleship Commission;
- (14) The Tennessee Valley Historical Society;
- (15) The Montgomery Antiquarian Society;
- (16) The Helen Keller Property Board;
- (17) The Birmingham Historical Society;
- (18) The Board of Trustees of the Mobile Museum Board;
- (19) The Board of Trustees of the Montgomery Museum Board;
- (20) The head of the department of history and the head of the department of archaeology of each accredited, four year, degree granting university and college located within the State of Alabama;
- (21) The John H. Forney Historical Society;
- (22) The Tuscaloosa County Preservation Society;
- (23) The Blount County Historical Society;
- (24) The Chattahoochee Valley Historical Society;
- (25) The Dale County Historical Society;
- (26) The Etowah Historical Society;
- (27) The Hale County Historical Society;
- (28) The Huntsville Historical Society;
- (29) The North Alabama Historical Society;
- (30) The Old South Historical Society;
- (31) The Pike County Historical Society;
- (32) The Society of Pioneers of Montgomery;
- (33) The Eufaula Heritage Association;
- (34) The Marengo Historical Society;
- (35) The Historic Mobile Preservation Society;
- (36) The Alabama Society, Sons of the American Revolution;
- (37) The Alabama Society, Southern Dames of America;
- (38) The Huguenot Society in Alabama;
- (39) The Alabama Society of the Colonial Dames of the 17th Century;
- (40) The Coweta Memorial Association; and
- (41) Any other local or regional historical society duly recognized by the commission which may exist or which may be created subsequent to August 19, 1966.

(b) Said advisory board shall meet annually at a place to be designated by the commission and shall serve without compensation. The board shall advise the commission on matters relating to the historic and architectural assets of the State of Alabama and assist the commission in compiling and maintaining an inventory of such assets and in carrying out all of its various duties.

(c) There may further be added to the advisory board by the commission such other

civic, charitable and patriotic organizations as it may from time to time deem to be to the best interest of the commission.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 16; Acts 1969, No. 768, p. 1366, § 3.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The Fort Morgan Historical Commission, referred to in subdivision (12) of subsection (a) of this section, was abolished and all properties, powers, funds, etc., thereof transferred to the Alabama Historical Commission by Acts 1976, No. 628, p. 865.

The LaGrange Historical Commission, referred to in subdivision (11) of subsection (a) of this section, has been redesignated the LaGrange Advisory Committee, by Acts 1979, No. 614, p. 1084, § 3.

The Richmond Pearson Hobson Memorial Board, referred to in subdivision (9) of subsection (a) of this section, was abolished and all properties, powers, funds, etc., thereof were transferred to the Alabama Historical Commission by Acts 1980, No. 80-208, p. 289, § 1. See § 41-9-222.


REFERENCES

CROSS REFERENCES

As to Fort Tombeckbee Historical Advisory Board, see § 41-9-262.

LIBRARY REFERENCES

American Digest System:

States  45, 46, 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 61, 79-80, 82, 84, 102, 120-121, 123, 136-138, 140.

§ 41-9-247. Executive director. [References](#) [Annotations](#)

The commission may employ an executive director, who shall serve at the pleasure of the commission and who shall be responsible directly to the commission for the general supervision and execution of the work of the commission. The commission shall fix his compensation, with the approval of the Governor and the State Personnel Board, the same to be paid from the funds of the commission, and shall further designate his duties and authority.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 6.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  46, 60(1).

Corpus Juris Secundum:

C.J.S. States §§ 61, 80, 84, 102, 104-108.

ANNOTATIONS

CASENOTES

Generally 1 enter p

1. Generally

It is apparent from this statute that the function of the commission and the executive director is to achieve the objects and purposes for which the commission was created. *Floyd v. Alabama Historical Commission*, 388 So.2d 182 (Ala.1980).

§ 41-9-248. Employees. [References](#)

The commission may employ either on a part-time or full-time basis such advisors, archaeologists, architects, engineers, attorneys, real estate appraisers, laborers, artisans, historians, caretakers, guides, peace officers, technicians, superintendents, stenographers and administrative employees and supervisory and professional personnel as may be necessary or advisable for carrying out in the most efficient and beneficial manner the purposes and provisions of this division, and all permanent full-time employees other than the executive director, the state officer of archaeology and projects supervisor shall be subject to the state Merit System.
(Acts 1966, Ex. Sess., No. 168, p. 190, § 5; Acts 1971, No. 500, p. 1213, § 4; Acts 1975, No. 1173, § 1.)


REFERENCES

CROSS REFERENCES

As to Merit System, see § 36-26-1 et seq.

LIBRARY REFERENCES

American Digest System:

States 53, 60(1).

Corpus Juris Secundum:

C.J.S. States §§ 81-83, 86, 93-98, 101, 104-108, 136.

§ 41-9-249. Powers and duties of commission generally. [Historical Notes](#) [References](#)

The commission shall have the following duties and powers:

(1) To promote and increase knowledge and understanding of the history of this state from the earliest time to the present, including the archaeological, Indian, Spanish, British, French, Colonial, Confederate and American eras, by adopting and executing general plans, methods and policies for permanently preserving and marking objects, sites, structures and ruins as defined in Section 41-9-242;

(2) To promote and assist in the publicizing of the historic resources of the state by preparing and furnishing information to public mass media and to governmental agencies charged with publicity and to coordinate any of its objectives, efforts or functions with any agency or agencies of the federal government, of the State of Alabama and of other states or local governments having objectives similar or related

to those of the commission;

(3) To accept for renovation, maintenance, restoration, preservation or management and operation any building or site within the State of Alabama owned by the United States, the State of Alabama or any agency or subdivision thereof or by the national trust for historic preservation or by natural or corporate persons, public or private, upon such terms and conditions as to the commission shall be deemed in the best interest of the State of Alabama in conformity with the purposes of this division;

(4) To acquire, by exercise of the power of eminent domain, historic structures of paramount or exceptional importance, such as those Alabama landmarks eligible for nomination to or recorded in the National Register of Historic Places; provided, that at least two-thirds of the members of the commission shall vote to acquire such structures by the exercise of this measure;

(5) To charge admissions at the various buildings and sites under the control of the commission throughout the state and to sell booklets, pamphlets and souvenirs at said locations and to retain and use the proceeds of said sales and admissions for the furtherance of the purposes of the commission as defined by this division;

(6) To adopt a seal for the commission and to use the same on its brochures, stationery and other official publications and upon its historic site markers;

(7)a. To acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, and to own, to hold, keep and develop, and to sell, transfer, convey, lease, and assign to any person or otherwise dispose of property of every kind and character, whether real, personal or mixed, whether tangible or intangible, whether in trust or otherwise, together with any and every interest therein, in furtherance of the lawful objectives of the commission;

b. To negotiate for Dismals Wonder Gardens in Franklin County; to be held in trust for the Alabama Indian Commission. The administration of said property shall be by and with consultation with the Alabama Historical Commission and the Alabama Indian Commission for the preservation of the historical heritage of said property and shall utilize any proceeds therefrom, including interest on any investments, for the preservation of the property;

c. To administer such property or trusts, whenever any such property is received or held to be used for the benefit of the historical heritage of the State of Alabama, for preservation of historic sites, buildings and objects, or for other lawful objectives of the commission, as it deems in the best interest of historical preservation or in furtherance of the objective for which the property is held or the donation or gift is made; and to convert such property or any portion thereof into securities or other forms of property and use the proceeds therefrom, including any interest on investments, as it deems will best promote the objectives of the commission;

d. To accept as trustee, beneficiary, or both, any interest in such property, together with any proceeds from its investment, for the benefit of historical preservation or other purposes of the commission, upon such conditions as may be acceptable to the donor and the commission. No such undertaking entered into by the commission or its agent or agents shall bind the state to pay any state moneys to anyone; provided, however, that nothing herein shall prevent the commission from undertaking payments out of the proceeds from such trust funds

as a condition of the acceptance of the donation. All trust funds administered pursuant to this act may be required by the commission to pay the expenses of administering the same. Such gifts shall be deductible from Alabama state income tax by the donor or donors;

e. To convey title or any interest in real estate by deed or other instrument executed by a majority of the commissioners or by agent or agents authorized by a majority vote of the commission; and to convey property other than real estate by agent or agents authorized by a majority vote of commissioners present and voting.

(8) To maintain an office in a location in the state to be selected by the commission for the use of the executive director, the employees and the commission and to acquire the necessary furniture and equipment therefor;

(9) To prepare, create, purchase and distribute pamphlets and brochures describing the various historic buildings and sites under the jurisdiction of the State of Alabama or any of its agencies;

(10) To make and publish a survey of the buildings, ruins and sites of historic, architectural or archaeological significance within the State of Alabama and to make available such survey to individuals, institutions and governmental bodies desiring copies of same;

(11) To determine from such survey the buildings, ruins and sites listed therein which are considered worthy of permanent preservation, to certify same as being worthy and to publish said list;

(12) To establish criteria for the certification, selection and acquisition of historic properties for state ownership and for state aid to local historic site projects;

(13) To nominate selected landmarks with historic, architectural and archaeological significance to the National Register of Historic Places using priorities established by the commission;

(14) To establish and maintain an Alabama state historic preservation depository into which may be deposited antiques, relics, artifacts, mementos, paintings and other objects contributed to or acquired by the state or the commission. The commission shall have the authority to restore these objects and to use them for the furnishing of its own historic buildings and other selected landmarks in Alabama;

(15) To rent or lease any of its acquisitions to public or private agencies;

(16) To publish an informational newsletter which shall periodically report on and promote local, regional and state historic preservation activities;

(17) To produce and publish technical ("how to") manuals on historic preservation;

(18) To publish and present citations and distinguished service awards to selected private and public organizations and individuals for outstanding achievements in preserving the heritage of Alabama;

(19) To purchase, produce, sell and distribute historic souvenir items;

(20) To improve, restore, preserve, renovate, maintain, exhibit, repair, rebuild, recreate and reconstruct its acquisitions, and the commission shall have jurisdiction over the same and the exhibits located thereon;

(21) To purchase or otherwise acquire and to erect and maintain "historic markers" on such buildings, roads, trails, routes and sites as it shall designate and to

cooperate with and assist local, regional and state historical groups in selecting and erecting such markers; and

(22) To accept the gift of money and real and personal property from any and all public and private sources. Such gifts shall be deductible from Alabama state income tax by the donor.

(Acts 1966, Ex. Sess., No. 168, p. 190, §§ 3, 7, 10, 11; Acts 1971, No. 500, p. 1213, §§ 2, 5, 6, 7; Acts 1991, 1st Ex. Sess., No. 91-805, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991, Ex. Sess., amendment, effective September 20, 1991, added subdivision (7) and redesignated former subdivisions (7) through (21) as subdivisions (8) through (22).

REFERENCES

CROSS REFERENCES

As to eminent domain generally, see § 18-1A-1 et seq.

As to the commission transferring the LaGrange Historical Site to the LaGrange Living Historical Association, see § 41-9-272.

ADMINISTRATIVE CODE

10 Ala. Admin. Code 460-X-12-.01, Historical Commission; Underwater Cultural Resources: Permits.

LIBRARY REFERENCES

American Digest System:

States  67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140.

§ 41-9-249.1. Contracts for recovery or salvage of archaeological treasure, etc.

References

(a) Notwithstanding any provision of law to the contrary, the Alabama Historical Commission may enter into contracts with any group or person for the recovery or salvage of archaeological treasure, sunken or abandoned ships and wrecks of the sea, or parts thereof or their contents, which are determined to be located on state owned lands, or on private land if the written consent of the owner thereof is first obtained. Such contracts shall be on forms approved by the commission and may provide for fair compensation to the salvager, and owner of the private land where applicable, in terms of a percentage of the reasonable cash value of the objects recovered or at the discretion of the commission, of a fair share of the objects recovered. The amount constituting a fair

share shall be determined by the commission, taking into consideration the circumstances of each operation, and the reasonable cash value may be determined by contractual agreement for appraisal by qualified experts or by representatives of the contracting parties. Each contract shall provide for the termination of any right in the salvager thereunder upon the violation of any of the terms thereof. Each contract shall be approved by both the state Finance Director and the Governor. The distribution of the state's share of the recovery or salvage shall be as follows:

(1) All archaeological treasure and artifacts shall be placed in the custody and control of the Alabama Historical Commission.

(2) All monetary proceeds from the sale of any recovered or salvaged archaeological treasure or artifacts including but not limited to gold, silver or other precious metal shall be deposited with the State Treasurer to the credit of the State General Fund.

(b) The provisions of this section are supplemental. It shall be construed in pari materia with other laws regulating salvage and excavation of antiquities; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

(Acts 1984, 2nd Ex. Sess., No. 85-53, p. 75.)

REFERENCES

ADMINISTRATIVE CODE

10 Ala. Admin. Code 460-X-12-.01, Historical Commission; Underwater Cultural Resources: Permits.

§ 41-9-250. Preservation, operation, etc., of certain historical properties and sites by commission.[Historical Notes](#) [References](#)

(a) The following historic properties and sites shall be under the jurisdiction and control of the Alabama Historical Commission:

(1) Fort Mims, Stockton, Baldwin County;

(2) Fort Toulouse, Wetumpka, Elmore County;

(3) Gaineswood, Demopolis, Marengo County; and

(4) Confederate Memorial Cemetery, Mountain Creek, Chilton County.

(b) The Alabama Historical Commission shall have full authority to develop, renovate, restore, preserve, maintain, operate, exhibit and publicize such properties in accordance with the powers and responsibilities of the said commission.

(Acts 1971, No. 665, p. 1374.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

Acts 1980, No. 80-208, p. 289, § 1, transfers to the Alabama Historical Commission

all property under the management and control of the Richmond Pearson Hobson Memorial Board, which was abolished, with full authority to develop, renovate, restore, preserve, maintain, operate, exhibit and publicize such property. See § 41-9-222.

REFERENCES

CROSS REFERENCES

As to the commission transferring the LaGrange Historical Site to the LaGrange Living Historical Association, see § 41-9-272.

LIBRARY REFERENCES

American Digest System:

States ☒ 67, 88.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 136-138, 140, 147.

§ 41-9-251. Cahawba Historical Site -- Preservation, operation, etc. [Historical Notes](#) [References](#)

The Cahawba Historical Site, a property on the National Register of Historic Places, Dallas County, Alabama, shall be under the jurisdiction and control of the Alabama Historical Commission, which shall have full authority to develop, renovate, preserve, maintain, operate, exhibit, and publicize the Cahawba Historical Site in accordance with the powers and responsibilities of the commission.

(Acts 1975, 3rd Ex. Sess., No. 155, § 1; Act 2003-401, p. 1167, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2003 amendment, effective September 1, 2003, substituted "Cahawba" for "Cahaba" in two places, and substituted "the commission" for "said commission".

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 67, 72, 88.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140, 147.

§ 41-9-252. Cahawba Historical Site -- Advisory committee. [Historical Notes](#) [References](#)

(a)(1) There is established an advisory committee to be known as the Cahawba Advisory Committee, composed of 16 members, 15 of whom shall be appointed by

the Governor. The Judge of Probate of Dallas County shall be the sixteenth member but shall be a member ex officio and shall not be entitled to a vote on the advisory committee. The members shall serve for terms of seven years each, and the judge of probate shall serve throughout his or her term of office. Members of the advisory committee shall be appointed so that each congressional district is represented by one appointed member on the advisory committee; except, that the congressional district in which Cahawba is situated shall be represented by eight appointed members, five of whom shall be residents of Dallas County and three of whom shall be from some other county in the congressional district. The membership of the advisory committee shall reflect the racial, ethnic, gender, urban/rural, and economic diversity of the state.

(2) The chair shall establish and maintain a bank account on behalf of the advisory committee and draw warrants for any lawful expenditures.

(3) The advisory committee shall advise the Alabama Historical Commission regarding the restoration and the development of the Old Cahawba Capital Site.

(4) The advisory committee shall choose biennially one of its members as chair, one as vice chair, and one as secretary-treasurer.

(5) Advisory committee members shall receive a per diem compensation sum to be fixed by the advisory committee, but the sum shall not be less than one hundred fifty dollars (\$150), for attending official meetings of the advisory committee. The chair may approve the payment for an advisory committee member authorized to perform official duties at other times. Advisory committee members shall receive per diem allowance and travel expenses incurred in attending official meetings or in performing any actual service under the direction of the advisory committee and shall be paid in accordance with Article 2, commencing with Section 36-7-20, of Chapter 7 of Title 36, after approval by the chair.

(6) The secretary-treasurer shall receive such compensation as may be fixed by the advisory committee, which shall be in addition to his or her per diem compensation and payments made under Article 2, commencing with Section 36-7-20, of Chapter 7 of Title 36. The secretary-treasurer shall be paid a sum for clerical expenses fixed by the advisory committee.

(b) The chair of the advisory committee, with the approval of a majority of the committee members, may appoint an executive director. The executive director shall not be a member of the state classified service.

(c) The executive director shall be compensated by a salary payable from any funds available to the advisory committee. The exact amount of the executive director's salary shall be set by the advisory committee, but in no event shall the salary be less than 60 percent nor more than 75 percent of the amount set as the standard compensation for cabinet level officials of the state.

(d) The executive director may hire an assistant director and such staff, at the pleasure of the executive director, as deemed necessary, with the approval of the advisory committee, but without regard to the state Merit System. The advisory committee shall approve all staff members hired and their job descriptions, and shall set the rate of pay or compensation due the assistant director and other staff.

(e) The advisory committee may permit any employee of the advisory committee to be treated as a state employee for the purpose of participating in any insurance programs

and other fringe benefits provided other nonclassified state employees.

(f) It is the duty of the advisory committee, acting through its executive director, assistant director, and staff to perform the following duties:

(1) To provide statewide public awareness, public information, and education services regarding the Old Cahawba Capital Site.

(2) To solicit, collect, and receive funds from the public and private sectors for the support, maintenance, and preservation of the Old Cahawba Capital Site.

(3) To promote and encourage public and private efforts to benefit the Old Cahawba Capital Site project.

(4) To appropriate and expend funds, make grants, contract, cooperate financially or otherwise with the Alabama Historical Commission, Dallas County, and any historical organization, nonprofit corporation, or governmental agency to acquire, establish, maintain, reconstruct, and preserve historical sites in and around Alabama's first permanent Capital at Cahawba, as may be deemed beneficial by the Alabama Historical Commission.

(5) To acquire title, possession, or control of properties and also objects of historic interest associated with or representative of the era of the Old Cahawba Capital Site, but only those located beyond the Old Cahawba Capital Site.

(6) To make grants to the Alabama Historical Commission, Dallas County, and any historical organization, nonprofit corporation, or governmental agency to acquire title, possession, or control of properties or for their preservation, maintenance, reconstruction in, or relocation to Alabama's first permanent Capital at Cahawba.

(7) To lease, gift, sell, or otherwise dispose of any surplus, duplicate, or unused properties.

(g) The executive director, assistant director, and staff shall perform those duties required by the advisory committee necessary to implement this section.

(Acts 1943, No. 486, p. 449; Acts 1959, No. 387, p. 1012; Acts 1961, No. 815, p. 1191; Acts 1975, 3rd Ex. Sess., No. 155, § 3; Acts 1981, 1st Ex. Sess., No. 81-944, § 1; Acts 1982, No. 82-368; Acts 1994, No. 94-703, p. 1357, § 1; Act 2003-401, p. 1167, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1994 amendment, effective May 4, 1994, in subsection (a) substituted "judge of probate" for "probate judge" throughout, in the third sentence, substituted "members" for "trustees" and substituted "seven years" for "four years", in the fourth sentence, substituted "is represented" for "shall be represented", deleted the fifth sentence regarding choosing a secretary, deleted the sixth sentence regarding official offices and storage of records, in the seventh sentence, deleted "of the advisory committee" preceding "or in performing", in the eighth sentence, substituted "Expenses shall" for "such expenses to" and substituted "approval by the chairperson of the committee" for "the account for such expense has been approved by the judge of probate of Dallas county", deleted the ninth through eleventh sentences regarding the Cahaba Historical Commission, in the twelfth sentence, substituted "chairperson shall" for "judge of probate is authorized to", in the present thirteenth sentence, inserted "Old Cahaba Capitol" and deleted the former thirteenth sentence regarding future appropriations to the Cahaba Historical resources

management program; added subsections (b) through (f); and made nonsubstantive changes throughout the section.

The 2003 amendment, effective September 1, 2003, in subsection (a) designated subdivisions (1)-(3), added subdivisions (4)-(6), in subdivision (1) substituted "Cahawba" for "Cahaba" in two places, deleted the fifth sentence and rewrote the final sentence, in subdivision (2) substituted "chair" for "chairperson", and in subdivision (3) substituted "Cahawba Capital" for "Cahaba Capitol"; in subsection (b) substituted "chair" for "chairperson"; in subsection (c) deleted "out of the State Treasury" following "payable" and deleted "in the manner that the salary to other state officials are paid" preceding ". The"; rewrote subsection (e); in subsection (f) in subdivisions (1)-(3) substituted "Cahawba Capital" for "Cahaba Capitol" and added subdivisions (4)-(7); and in subsection (g) substituted "The" for "Additionally, the".


Code Commissioner's Notes

In 1995, the Code Commissioner substituted "members" for "member" in the second sentence of subsection (d) for grammatical purposes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  45, 46, 60(1), 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 61, 79-80, 82, 84, 102, 104-108, 120-121, 123, 136-138, 140.

§ 41-9-253. Cahawba Historical Site -- Powers of commission; payment of expenses.

Historical Notes References

The Alabama Historical Commission may acquire title, possession or control of such properties and also of objects of historic interest at the Cahawba Historical Site as it may deem necessary or proper to be maintained, preserved, and protected on behalf of the State of Alabama and may acquire, by purchase, construction, lease, gift, condemnation or otherwise, lands and rights in land, including leaseholds and easements, and water rights in the rivers and lands adjacent to or in the immediate vicinity of Cahawba. The commission's power of eminent domain may be exercised under Title 18 and any amendments thereto, or pursuant to any other general statutory provision enacted for the exercise of the power of eminent domain. The commission may mark in suitable manner the places or locations of historic interest at such point and prepare and publish for distribution pamphlets or other printed matter with respect thereto. The expenses incurred for such purposes by the historical commission shall be paid out of any appropriation made to the commission, upon warrant drawn by the Comptroller, supported by an itemized account thereof approved by the board of trustees and by the Governor.

(Acts 1943, No. 486, p. 449; Acts 1959, No. 387, p. 1012; Acts 1961, No. 815, p. 1191; Acts 1969, No. 854, p. 1560; Acts 1975, 3rd Ex. Sess., No. 155, § 1; Act 2003-401, p.

1167, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2003 amendment, effective September 1, 2003, deleted ", within its discretion," following "Commission" and substituted "Cahawba" for "Cahaba" in two places.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  67, 72, 85.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140, 145.

§ 41-9-254. Acquisition, operation, etc., of libraries or museums by commission; commission not to engage in publishing or printing of historical quarterlies.

References


The commission shall not accept, acquire, operate or maintain libraries or museums, except when the same are an integral part of one of the properties owned or managed by the commission, nor shall the commission engage in the publishing or printing of historical quarterlies.

(Acts 1966, Ex. Sess., No. 168, p. 190, § 12; Acts 1971, No. 500, p. 1213, § 8.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  72, 85.

Corpus Juris Secundum:

C.J.S. States §§ 123, 145.

§ 41-9-255. Alabama State Historic Preservation Fund. [References](#)

There is hereby established in the State Treasury a fund to be known as the "Alabama State Historic Preservation Fund" into which shall be deposited all moneys received by the commission from admissions, inspection fees, gifts, donations, grants, leases, rentals, bequests, loans, governmental appropriations or any other sources, either public or private. Such funds shall be used by the commission to pay the costs of the maintenance,

acquisitions, preservation and operation of its acquisitions and for carrying out any and all of the purposes of this division, including the payment of the salaries of any employees of said commission and any expenses of said commission. Money contributed to or deposited in this fund for capital outlay projects and from any source other than state appropriations for operations shall not revert to the General Fund of the state, but shall remain in the preservation fund until expended by the commission.
(Acts 1966, Ex. Sess., No. 168, p. 190, § 4; Acts 1971, No. 500, p. 1213, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 45, 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 120-121, 123, 136-138, 140.

§ 41-9-256. Exemption from taxation of commission and properties, income, etc., thereof. [References](#)

The commission, as an agency of the State of Alabama, shall constitute a nonprofit governmental agency and shall have a tax-exempt status, and the properties of the commission and the income therefrom, all lease agreements and contracts made by it shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise, sales, use and ad valorem taxes.
(Acts 1966, Ex. Sess., No. 168, p. 190, § 9.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 67.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 136-138, 140.

§ 41-9-257. Council on Historic Pilgrimages -- Created; purpose. [References](#)

There is hereby created the Alabama Council on Historic Pilgrimages, the same to be established under the auspices of the Alabama Historical Commission, said council having the purpose of coordinating the efforts of each of the existing and proposed historic pilgrimages in the State of Alabama, whether publicly or privately sponsored.
(Acts 1975, 4th Ex. Sess., No. 67.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 45.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 136.

§ 41-9-258. Council on Historic Pilgrimages -- Composition. [References](#)

The Council on Historic Pilgrimages shall consist of seven individual members, one being appointed from each of the six districts of the state as the same shall be established by the Alabama Historical Commission and one being a representative of the Alabama Historical Commission. Additionally, there shall be two ex officio individual members, one representing the Alabama Travel Council and one representing the State Bureau of Tourism and Travel.

(Acts 1975, 4th Ex. Sess., No. 67.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 46.

Corpus Juris Secundum:

C.J.S. States §§ 61, 80, 84, 102.

§ 41-9-259. Council on Historic Pilgrimages -- Appointment and terms of members; duties. [References](#)

(a) The individual members of the Council on Historic Pilgrimages who represent the six above described districts shall each be appointed, initially, by the Alabama Historical Commission, and three of the initially appointed members shall serve for terms of one year, with the other three serving for terms of two years each. Subsequent to the initial appointment, future individual members of the council shall be named for terms of two years each, and such future members of the council shall be named by the member historic pilgrimage organizations within the district represented by such council member.

(b) The Council on Historic Pilgrimages shall have the authority to establish such policies as it deems necessary for the carrying out of its purposes and to admit as general nonvoting members of the council such organizations in the State of Alabama engaged in the business of historic pilgrimages as it may, in its discretion, determine.

(c) The council shall have among its duties the duty to work closely with the Alabama Travel Council and the State Bureau of Tourism and Travel, and such organizations shall, themselves, provide assistance and advice to the Council on Historic Pilgrimages.

(Acts 1975, 4th Ex. Sess., No. 67.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  46, 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 61, 80, 84, 102, 120-121, 123, 136-138, 140.

§ 41-9-260. Transfer to commission of certain parts of Fort Morgan Military Reservation, etc.; development, restoration, etc., thereof by commission; operation of portion of reservation retained by Department of Conservation and Natural Resources.

Morgan Military Reservation conveyed from the United States of America to the State of Alabama by quitclaim deed executed May 26, 1927, and on which Fort Morgan itself is located, and also a certain part of the Fort Morgan Military Reservation conveyed by the United States of America to the State of Alabama by deed executed December 16, 1946, including all that area south of the outer south face of the east-west sea wall and west of the north-south sea wall, is hereby transferred to the Alabama Historical Commission.

All other property, both real and personal, including structures and objects located on either of said tracts of land, owned by the Fort Morgan Historical Commission and all of its powers, authority and jurisdiction over said property are also hereby transferred to the Alabama Historical Commission, and any right, title or interest which the state Department of Conservation and Natural Resources has in the above described property

is also hereby transferred to the Alabama Historical Commission.

Such commission shall have full authority to develop, renovate, restore, preserve, maintain, operate, exhibit and publicize the above described properties in accordance with the powers and responsibilities of said Alabama Historical Commission.

Any right, title or interest of the Department of Conservation and Natural Resources in all that part of the Fort Morgan Military Reservation not hereinabove transferred to the Alabama Historical Commission shall continue to be held by the state Department of Conservation and Natural Resources, and all such property may be used as a public park for recreation, such as camping, boating, fishing and any other purposes for which the Department of Conservation and Natural Resources is authorized to maintain and operate a public park. The paved road that runs south at the sea wall shall, however, be open for use by vehicles for ingress and egress to the beach, and the Department of Conservation and Natural Resources shall not prohibit camping on any part of the reservation under their jurisdiction and control.

(Acts 1976, No. 628, p. 865.)

§ 41-9-261. Designation of commission as agency responsible for restoration and preservation of State Capitol; powers and duties. [Historical Notes](#) [References](#)

(a) The primary restoration, planning and preservation responsibility for the State Capitol of Alabama and its contiguous historic grounds, designated by the United States government as a national historic landmark, is hereby delegated to the Alabama Historical Commission.

(b) The Alabama Historical Commission is instructed to protect the historic and architectural integrity of this historic Greek revival masterpiece which served as the first Capitol of the Confederacy in 1861 and has served as the Capitol of Alabama for more than 120 years.

(c) The agencies of the state of Alabama charged with architectural, engineering, maintenance and alteration responsibilities for the State Capitol shall submit plans and specifications to the Alabama Historical Commission which shall review them for the retention of the historic merit and architectural integrity of the landmark prior to any adaptive or construction activities.

(d) The commission shall be authorized and empowered to promote and preserve the historic character and architectural purity of the Capitol building and grounds and, to that end, it shall exercise its authority, control and general supervisory jurisdiction over the Capitol grounds, including walkways and driveways, and over all public areas within the Capitol building, including the outer office of the executive suite. Such authority shall specifically include, but not be limited to, the corridors, rotundas, lobbies, entranceways, stairways, restrooms, porticos, steps and elevators. The commission shall have no jurisdiction over the areas used for private office space, except as to structural modifications, but shall have jurisdiction over all areas specified in this section, and any and all changes contemplated, whether they be architectural in nature or merely the moving or replacement of furniture and furnishings, shall first require the approval of the commission.

With respect to the legislative chambers, legislative lounges and legislative meeting rooms, the commission shall be authorized and empowered to advise and consult with the Clerk of the House and the Secretary of the Senate and the presiding officer, respectively, and to suggest and recommend changes and renovations within such spaces that would be appropriate and in keeping with the preservation of the historic value and architectural purity therein; provided, however, that no changes or renovations to the said chambers, lounges or meeting rooms shall be undertaken or initiated without the approval of the Clerk of the House or the Secretary of the Senate and the presiding officer, respectively; provided further, that no changes or renovations to the Capitol building and grounds as defined in this section, other than the legislative chambers, legislative lounges and legislative meeting rooms provided for in the preceding provisions of this sentence, shall be undertaken or initiated without the approval of the Governor.

(e) Nothing in this section shall be construed as to supersede any authority of the state Building Commission and, if so, that portion is expressly repealed.
(Acts 1969, No. 1148, p. 2153, § 2; Acts 1976, No. 634, p. 881.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The provisions of subsection (d) of this section were formerly codified as former § 41-9-512. For reasons for transfer, see code commissioner's note to former § 41-9-512.

REFERENCES

CROSS REFERENCES

As to State Building Commission generally, see § 41-9-140 et seq.

As to State Capitol Advisory Committee generally, see § 41-9-510 et seq.

§ 41-9-262. Fort Tombeckbee Historical Advisory Board. [References](#)

(a) An advisory board to be known as the Fort Tombeckbee Historical Advisory Board is hereby authorized to be appointed by the Governor for the purpose of advising the Alabama Historical Commission on the acquisition, maintenance and protection of certain properties and objects of historical interest at Fort Tombeckbee in Sumter county. Said board shall be composed of three members, and the first appointees shall be appointed to serve for terms of two, four and six years, respectively, and subsequent appointees shall serve for terms of four years. Such members shall serve without compensation.

(b) Said board shall advise the Alabama Historical Commission: To acquire title, possession or control of such properties and also of objects of historic interest at Fort Tombeckbee as it may deem necessary or proper, to be maintained, preserved and protected on behalf of the State of Alabama; to mark in suitable manner the places or locations of historic interest at such point; and to prepare and publish for distribution pamphlets or other printed matter with respect thereto. The Alabama Historical Commission may, in its complete discretion, act upon any suggestions or advice of the advisory board. Any expenses incurred by the board shall be paid out of any money

appropriated by the Legislature or by any gift, bequest or grant from whatever source. (Acts 1978, No. 516, p. 571.)

REFERENCES

CROSS REFERENCES

As to board of advisors of commission generally, see § 41-9-246.

LIBRARY REFERENCES

62 C.J.S. Municipal Corporations § 225.

DIVISION 2. LAGRANGE HISTORICAL COMMISSION.

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The LaGrange Historical Site, owned by the LaGrange historical commission, has been transferred to the Alabama Historical Commission, which has been given full authority to develop, renovate, preserve, maintain, operate, exhibit and publicize the LaGrange Historical Site in accordance with the powers and responsibilities of the Alabama Historical Commission, and the LaGrange Historical Commission has been redesignated the LaGrange advisory committee with the function of advising the Alabama Historical Commission regarding the restoration and development of the site, by Acts 1979, No. 614, p. 1084, effective October 1, 1979. See § 41-9-271.

§ 41-9-270. LaGrange Historical Commission. [References](#)

(a) A board of trustees, to be known as LaGrange Historical Commission, is hereby authorized to be appointed by the Governor for the purpose of acquiring, maintaining and protecting certain properties and objects of historical interest at LaGrange, in Colbert county, the site of the first chartered college in Alabama. Said board shall be composed of three members, and the first appointees shall be appointed to serve for terms of two, four and six years, respectively, and subsequent appointees shall serve for terms of four years. Such trustees shall serve without compensation other than payment of a per diem allowance and travel expenses in attending meetings of the board or in performing any actual service under the direction of the board, such expenses to be paid in accordance with Article 2 of Chapter 7 of Title 36 of this code. Such expenses shall be payable out of the appropriation made by subsection (c) of this section, upon warrant of the Comptroller, after the account for such expenses has been approved by the board of trustees and by the Governor.

(b) Said board of trustees, within its discretion, may acquire title, possession or control of such properties and also of objects of historic interest at LaGrange as it may deem necessary or proper to be maintained, preserved and protected on behalf of the State of Alabama, mark in suitable manner the places or locations of historic interest at


such point and prepare and publish for distribution pamphlets or other printed matter with respect thereto. The expenses incurred for such purposes by the board of trustees shall be paid out of the appropriation made by subsection (c) of this section, upon warrant drawn by the Comptroller, supported by an itemized account thereof approved by the board of trustees and by the Governor.

(c) For the purposes provided by this section, the sum of \$500.00 is hereby appropriated annually payable out of any funds in the treasury, not otherwise appropriated, all of which shall be released on order of the Governor.
(Acts 1943, No. 551, p. 540.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  45, 46, 51, 60(1), 67, 72.

Corpus Juris Secundum:

C.J.S. States §§ 61, 79-80, 82, 84, 87, 92, 102, 104-108, 120-121, 123, 136-138, 140.

§ 41-9-271. LaGrange Historical Site Transferred to State Commission. [References](#)

The LaGrange Historical Site, Colbert County, Alabama, owned by the LaGrange historical commission is hereby transferred to the Alabama Historical Commission which shall have full authority to develop, renovate, preserve, maintain, operate, exhibit and publicize the LaGrange Historical Site in accordance with the powers and responsibilities of said commission. The LaGrange Historical Commission board of trustees shall cause an appropriate deed or conveyance to be executed in accordance with the provisions of this section.

(Acts 1979, No. 79-614, p. 1084.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  67, 72, 76.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140, 229.

§ 41-9-272. Alabama Historical Commission to transfer LaGrange Historical Site to LaGrange Living Historical Association. [Historical Notes](#)

(a) The LaGrange Historical Site in Colbert County, owned by the Alabama Historical Commission, is transferred to the LaGrange Living Historical Association, a nonprofit corporation, which shall have full authority to develop, renovate, preserve, maintain, operate, exhibit, and publicize the LaGrange Historical Site in accordance with

(b) The Alabama Historical Commission shall continue to assist the LaGrange Living Historical Association in the preservation and maintenance of the LaGrange Historical Site. Any funds appropriated to the Alabama Historical Commission for the preservation and maintenance of the LaGrange Historical Site, including any unencumbered and unexpended funds for the current fiscal year, shall continue to be appropriated to the Alabama Historical Commission for the preservation and maintenance of the LaGrange Historical Site by the LaGrange Living Historical Association.
(Acts 1995, No. 95-524, p. 1060, §§ 1, 2.)

effective January 15, 1977. §§ 41-9-280 through 41-9-287. Repealed by Acts 1976, No. 628, p. 865, § 4, effective January 15, 1977. §§ 41-9-280 through 41-9-287. Repealed by Acts 1976, No. 628, p. 865, § 4, effective January 15, 1977.

DIVISION 3A. UNDERWATER CULTURAL RESOURCES.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this division is effective September 1, 1999.

REFERENCES

ADMINISTRATIVE CODE

10 Ala. Admin. Code 460-X-12-.01, Historical Commission; Underwater Cultural Resources: Permits.

ANNOTATIONS

CASENOTES

Generally 1 enter p

1. Generally

No justiciable controversy was presented by declaratory judgment complaint against executive director of Alabama Historical Commission (AHC) by citizen who apparently wished to scuba dive for relics in state waters and who challenged constitutionality of statutes and procedures for preservation of state's cultural resources; whether citizen might make such dives, whether he might find any protected relics or artifacts, and whether the AHC might deny him permits to do so amounted to no more than an anticipated controversy. Ex parte Bridges, 2005 WL 2403743 (Ala.2005). Declaratory Judgment ☒ 124.1

§ 41-9-290. Short title. [Historical Notes](#) [References](#)

This division shall be known as and may be cited as the "Alabama Underwater Cultural Resources Act."
(Act 99-595, p. 1364, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States 45.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 136.

§ 41-9-291. Definitions. [Historical Notes](#) [References](#)

As used in this division, the following terms shall have the following meanings:

(1) Commission. The Alabama Historical Commission, acting as the custodian of cultural resources for the State of Alabama.

(2) Contractor. Any individual, company, corporation, or private or public institution determined by the commission to be appropriately qualified, that has applied for and received a permit or contract from the commission to begin exploration or excavation activities in state-owned waters.

(3) Cultural resources. All abandoned shipwrecks or remains of those ships and all underwater archaeological treasures, artifacts, treasure troves, or other cultural articles and materials, whether or not associated with any shipwreck, that are contained in or on submerged lands belonging to the State of Alabama and the sea within the jurisdiction of the state, and that have remained unclaimed for more than 50 years, excluding therefrom sunken logs, cants, and timber resources of any other type not associated as part of a shipping vessel, and are eligible for, or listed in, the National Register of Historic Places or the Alabama Register of Landmarks and Heritage.

(4) Excavation. The study and intentional removal from submerged land belonging to the state, by accepted scientific methods, of any objects recognized as cultural resources.

(5) Exploration. The systematic examination by actual survey of an area of submerged land belonging to the state for the purpose of locating and recognizing cultural resources.

(6) Submerged lands. Lands under navigable waterways owned or controlled by the State of Alabama.

(7) Treasure trove. Any gold bullion, gold ingots, gold dust, silver bars, and other precious metals or stones.

(Act 99-595, p. 1364, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

Code Commissioner's Notes

In 1999, the Code Commissioner in subdivision (2) after "corporation", inserted "or" to correct a manifest grammatical error.

REFERENCES**LIBRARY REFERENCES****American Digest System:**

States 45.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 136.

§ 41-9-292. Use of state cultural resources. [Historical Notes](#) [References](#)

(a) All cultural resources as defined herein are declared to be state cultural resources subject to the exclusive dominion and control of the State of Alabama.

(b) Cultural resources shall not be taken, damaged, destroyed, salvaged, excavated, or otherwise altered without a prior contract or permit obtained through the commission, which is designated as the official custodian of state cultural resources within the jurisdiction of the State of Alabama; provided, however, that issuance of any contract or permit shall also be subject to the prior written approval of the Commissioner of Conservation and Natural Resources.

(Act 99-595, p. 1364, § 3.)

HISTORICAL NOTES**HISTORY****Effective date:**

The act which added this section is effective September 1, 1999.

REFERENCES**LIBRARY REFERENCES****American Digest System:**

States 85, 88.

Corpus Juris Secundum:

C.J.S. States §§ 145, 147.

§ 41-9-293. Management plan; rules and regulations. [Historical Notes](#) [References](#)

(a) The commission, in coordination with the Department of Conservation and Natural Resources, shall develop and implement a management plan for cultural resources. The commission may appoint an advisory committee to assist the commission in the development and implementation of a management plan for cultural resources, and to advise the commission with respect to needed rules or regulations. The commission, in

coordination with the Department of Conservation and Natural Resources, may promulgate, in accordance with the state Administrative Procedure Act and in the best interest of the state, any rule or regulation necessary to implement this division; provided however, that the rules and regulations shall be subject to the approval of the director of the commission and the Commissioner of Conservation and Natural Resources. The rules and regulations shall have the force and effect of law.

(b) These regulations shall include, but not be limited to, any of the following:

(1) The classification of historic maritime and submerged resources.

(2) Contracting or permitting for various activities.

(3) Establishing a repository or repositories for holding the ships, artifacts, treasure troves, or other cultural artifacts and materials recovered in the areas stipulated in this division.

(4) Methods of enforcement of this division and rules and regulations promulgated hereunder.

(Act 99-595, p. 1364, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  46, 67, 76.

Corpus Juris Secundum:

C.J.S. States §§ 61, 80, 84, 102, 120-121, 136-138, 140, 229.

§ 41-9-294. Permit, etc., for exploration or excavation. [Historical Notes](#) [References](#)

(a) Any qualified individual, company, corporation, or public institution desiring to conduct any type of exploration or excavation of cultural resources shall first make application to the commission for a permit or contract to conduct the operation. If the commission finds that the granting of a permit or contract is in the best interest of the state, it may, subject to the other provisions of this division, grant the applicant a permit or contract for a period of time and under those terms and conditions as the commission considers to be in the best interest of the state.

(b) Holders of permits or contracts shall be responsible for obtaining permission of any federal agencies having jurisdiction, including, but not limited to, the United States Department of the Navy and the United States Army Corps of Engineers, prior to conducting those activities.

(c) Permits or contracts may be issued or made for any of the following activities, without limitation:

(1) Recreational diving permit or contract.

(2) Exploration and evaluation permit or contract.

(3) Excavation and recovery permit or contract.
(Act 99-595, p. 1364, § 5.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 67, 72, 87.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 123, 136-138, 140, 146.

§ 41-9-295. Commercial fishing restrictions. [Historical Notes](#) [References](#)

The commission may restrict, when necessary, as determined in writing in the sole discretion of the Commissioner of Conservation and Natural Resources, the activities of commercial fishing vessels in or around known underwater cultural resources when the likelihood of damage to or any alterations of the cultural resources is deemed evident. The restricted area shall encompass only the immediate area of the resource so as not to unduly disrupt fishing operations.
(Act 99-595, p. 1364, § 6.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 67.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 136-138, 140.

§ 41-9-296. Distribution of funds. [Historical Notes](#) [References](#)

(a) Any funds received by the commission under the terms and conditions of permits or contracts made pursuant to this division shall be placed in funds maintained in the State Treasury.

(b) The commission shall, pursuant to its rulemaking power, provide a procedure for

the sale at public auction of any articles seized pursuant to this division, with the proceeds going to the State General Fund to be appropriated by the Legislature. (Act 99-595, p. 1364, § 7.)

HISTORICAL NOTES

HISTORY


Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  72, 76, 121.

Corpus Juris Secundum:

C.J.S. States §§ 123, 203, 223, 229.

§ 41-9-297. Theft or disturbance of a cultural resource. [Historical Notes](#) [References](#)

(a) A person commits the crime of theft or disturbance of a cultural resource protected by the commission if the person does either of the following:

(1) Intentionally and knowingly removes, alters, disturbs, or destroys any cultural resource without the prior written authorization of the commission by permit or contract.

(2) Knowingly buys, receives, conceals, aids in the concealment of, or possesses any illegally obtained cultural resources.

(b) Intentional and knowing theft or disturbance of a cultural resource having a value of less than one thousand dollars (\$1,000) shall constitute a Class A misdemeanor and be punishable, upon conviction, as provided by law.

(c) Intentional and knowing theft or disturbance of a cultural resource with a value of one thousand dollars (\$1,000) or more shall constitute a Class C felony and shall be punishable, upon conviction, as provided by law.

(Act 99-595, p. 1364, § 8.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

Code Commissioner's Notes

In 1999, the Code Commissioner in subdivision (2) of subsection (a) deleted "as defined in subsection (a)" because the language was surplusage.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 67.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 136-138, 140.

§ 41-9-298. Seizure of equipment, etc. [Historical Notes](#) [References](#)

In all cases of arrest and conviction under Section 41-9-297, all boats, instruments, and other equipment used directly in connection with the offenses are declared to be contraband and shall be seized and brought before the court having jurisdiction of the offense for proper disposal.

(Act 99-595, p. 1364, § 9.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 72.

Corpus Juris Secundum:

C.J.S. States § 123.

§ 41-9-299. Enforcement of division. [Historical Notes](#) [References](#)

All law enforcement agencies and officers, state and local, shall assist the commission in the enforcement of this division.

(Act 99-595, p. 1364, § 10.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States ☒ 72.

Corpus Juris Secundum:

C.J.S. States § 123.

§ 41-9-299.1. Exceptions. [Historical Notes](#) [References](#)

(a) Notwithstanding any other provisions of this division to the contrary, no contract with or permit from or fee paid to the commission shall be required for activities performed pursuant to United States Army Corps of Engineers' permits, including general permits.

(b) Notwithstanding any other provisions of this division to the contrary, any violation of this division caused by activities conducted for purposes not related to the exploration, excavation, or salvaging of cultural resources may be cured and any otherwise applicable crimes, penalties, or seizures will no longer apply if the activities in violation of this division are halted as soon as practicable after notice from the commission and an application for any contract or permit determined to be necessary is submitted to the commission.

(Act 99-595, p. 1364, § 11.)

HISTORICAL NOTES

HISTORY


Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  67, 93.

Corpus Juris Secundum:

C.J.S. States §§ 120-121, 136-138, 140, 156.

§ 41-9-299.2. Construction of division. [Historical Notes](#) [References](#)

This division shall be construed in pari materia with Section 41-9-249.1.
(Act 99-595, p. 1364, § 13.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 1999.

REFERENCES

LIBRARY REFERENCES

American Digest System:

States  45.

Corpus Juris Secundum:

C.J.S. States §§ 79-80, 82, 136.

Federal Statutes - 36 CFR Part 800

PART 800—PROTECTION OF HISTORIC PROPERTIES

Subpart A—Purposes and Participants

Sec.

800.1 Purposes.

800.2 Participants in the Section 106 process.

Subpart B—The Section 106 Process

800.3 Initiation of the section 106 process.

800.4 Identification of historic properties.

800.5 Assessment of adverse effects.

800.6 Resolution of adverse effects.

800.7 Failure to resolve adverse effects.

800.8 Coordination with the National Environmental Policy Act.

800.9 Council review of Section 106 compliance.

800.10 Special requirements for protecting National Historic Landmarks.

800.11 Documentation standards.

800.12 Emergency situations.

800.13 Post-review discoveries.

Subpart C—Program Alternatives

800.14 Federal agency program alternatives.

800.15 Tribal, State, and local program alternatives. [Reserved]

800.16 Definitions.

APPENDIX A TO PART 800—CRITERIA FOR COUNCIL INVOLVEMENT IN REVIEWING INDIVIDUAL SECTION 106 CASES

AUTHORITY: 16 U.S.C. 470s.

SOURCE: 65 FR 77725, Dec. 12, 2000, unless otherwise noted.

Subpart A—Purposes and Participants

§ 800.1 Purposes.

(a) Purposes of the section 106 process. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning.

The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

(b) Relation to other provisions of the act. Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies, and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference.

(c) Timing. The agency official must complete the section 106 process “prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license.” This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

§ 800.2 Participants in the Section 106 process.

(a) Agency official. It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance in accordance with subpart B of this part. The agency official has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of section 106 compliance. For the purposes of subpart C of this part, the agency official has the authority to commit the Federal agency to any obligation it may assume in the implementation of a program alternative. The agency official may

be a State, local, or tribal government official who has been delegated legal responsibility for compliance with section 106 in accordance with Federal law.

(1) Professional standards. Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary.

(2) Lead Federal agency. If more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

(3) Use of contractors. Consistent with applicable conflict of interest laws, the agency official may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations under this part. The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines.

(4) Consultation. The agency official shall involve the consulting parties described in paragraph (c) of this section in findings and determinations made during the section 106 process. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and agency-specific legislation. The Council encourages the agency official to use to the extent possible existing agency procedures and mechanisms to fulfill the consultation requirements of this part.

(b) Council. The Council issues regulations to implement section 106, provides guidance and advice on the application of the procedures in this part, and generally oversees the operation of the section 106 process. The Council also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

(1) Council entry into the section 106 process. When the Council determines that its involvement is necessary to ensure that the purposes of section 106 and the act are met, the Council may enter the section 106 process. Criteria guiding Council decisions to enter the section 106 process are found in appendix A to this part. The Council will document that the criteria have been met and notify the parties to the section 106 process as required by this part.

(2) Council assistance. Participants in the section 106 process may seek advice, guidance and assistance from the Council on the application of this part to specific undertakings, including the resolution of disagreements, whether or not the Council is formally involved in the review of the undertaking. If questions arise regarding the conduct of the section 106 process, participants are encouraged to obtain the Council's advice on completing the process.

(c) Consulting parties. The following parties have consultative roles in the section 106 process.

(1) State historic preservation officer. (i) The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development.

(ii) If an Indian tribe has assumed the functions of the SHPO in the section 106 process for undertakings on tribal lands, the SHPO shall participate as a consulting party if the undertaking takes place on tribal lands but affects historic properties off tribal lands, if requested in accordance with § 800.3(c)(1), or if the Indian tribe agrees to include the SHPO pursuant to § 800.3(f)(3).

(2) Indian tribes and Native Hawaiian organizations. (i) Consultation on tribal lands. (A) Tribal historic preservation officer. For a tribe that has assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the tribal historic preservation officer (THPO) appointed or designated in accordance with the act is the official representative for the purposes of section 106. The agency official shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.

(B) Tribes that have not assumed SHPO functions. When an Indian tribe has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the agency official shall consult with a representative designated by such Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Such Indian tribes have the same rights of consultation and concurrence that the THPOs are given throughout subpart B of this part, except that such consultations shall be in addition to and on the same basis as consultation with the SHPO.

(ii) Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations. Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.

(A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the agency official to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.

(B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets, or modifies tribal

sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies, or limits the exercise of any such rights.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization. Consultation with Indian tribes and Native Hawaiian organizations should be conducted in a manner sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

(D) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian

tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.

(E) An Indian tribe or a Native Hawaiian organization may enter into an agreement with an agency official that specifies how they will carry out responsibilities under this part, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal participation in the section 106 process, provided that no modification may be made in the roles of other parties to the section 106 process without their consent. An agreement may grant the Indian tribe or Native Hawaiian organization additional rights to participate or concur in agency decisions in the section 106 process beyond those specified in subpart B of this part. The agency official shall provide a copy of any such agreement to the Council and the appropriate SHPOs.

(F) An Indian tribe that has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act may notify the agency official in writing that it is waiving its rights under § 800.6(c)(1) to execute a memorandum of agreement.

(3) Representatives of local governments. A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.

(4) Applicants for Federal assistance, permits, licenses, and other approvals. An applicant for Federal assistance or for a Federal permit, license, or other approval is entitled to participate as a consulting party as defined in this part. The agency official may authorize an applicant or group of applicants to initiate consultation with the SHPO/ THPO and others, but remains legally responsible for all findings and determinations charged to the agency official. The agency official shall notify the SHPO/THPO when an applicant or group of applicants is so authorized. A Federal agency may authorize all applicants in a specific program pursuant to this section by providing notice to all SHPO/THPOs.

Federal agencies that provide authorizations to applicants remain responsible for their government-to-government relationships with Indian tribes.

(5) Additional consulting parties. Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

(d) The public. (1) Nature of involvement. The views of the public are essential to informed Federal decision-making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

(2) Providing notice and information. The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decisionmaking.

(3) Use of agency procedures. The agency official may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.

Subpart B—The section 106 Process

§ 800.3 Initiation of the section 106 process.

(a) Establish undertaking. The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) No potential to cause effects. If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

(2) Program alternatives. If the review of the undertaking is governed by a Federal agency program alternative established under § 800.14 or a programmatic agreement in existence before January 11, 2001, the agency official shall follow the program alternative.

(b) Coordinate with other reviews. The agency official should coordinate the steps of the section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and agency-specific legislation, such as section 4(f) of the Department of Transportation Act. Where consistent with the procedures in this subpart, the agency official may use information developed for other reviews under Federal, State, or tribal law to meet the requirements of section 106.

(c) Identify the appropriate SHPO and/ or THPO. As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.

(1) Tribal assumption of SHPO responsibilities. Where an Indian tribe has assumed the section 106 responsibilities of the SHPO on tribal lands pursuant to section 101(d)(2) of the act, consultation for undertakings occurring on tribal land or for effects on tribal land is with the THPO for the Indian tribe in lieu of the SHPO. Section 101(d)(2)(D)(iii) of the act authorizes owners of properties on tribal lands which are neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe to request the SHPO to participate in the section 106 process in addition to the THPO.

(2) Undertakings involving more than one State. If more than one State is involved in an undertaking, the involved SHPOs may agree to designate a lead SHPO to act on their behalf in the section 106 process, including taking actions that would conclude the section 106 process under this subpart.

(3) Conducting consultation. The agency official should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties.

(4) Failure of the SHPO/THPO to respond. If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the Section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.

(d) Consultation on tribal lands. Where the Indian tribe has not assumed the responsibilities of the SHPO on tribal lands, consultation with the Indian tribe regarding undertakings occurring on such tribe's lands or effects on such tribal lands shall be in addition to and on the same basis as consultation with the SHPO. If the SHPO has withdrawn from the process, the agency official may complete the section 106 process with the Indian tribe and the Council, as appropriate. An Indian tribe may enter into an agreement with a SHPO or SHPOs specifying the SHPO's participation in the section 106 process for undertakings occurring on or affecting historic properties on tribal lands.

(e) Plan to involve the public. In consultation with the SHPO/THPO, the agency official shall plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with § 800.2(d).

(f) Identify other consulting parties. In consultation with the SHPO/THPO, the agency official shall identify any other parties entitled to be consulting parties and invite them to participate as such in the section 106 process. The agency official may invite others to participate as consulting parties as the section 106 process moves forward.

(1) Involving local governments and applicants. The agency official shall invite any local governments or applicants that are entitled to be consulting parties under § 800.2(c).

(2) Involving Indian tribes and Native Hawaiian organizations. The agency official shall make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Such Indian tribe or Native Hawaiian organization that requests in writing to be a consulting party shall be one.

(3) Requests to be consulting parties. The agency official shall consider all written requests of individuals and organizations to participate as consulting parties and, in

consultation with the SHPO/THPO and any Indian tribe upon whose tribal lands an undertaking occurs or affects historic properties, determine which should be consulting parties.

(g) Expediting consultation. A consultation by the agency official with the SHPO/THPO and other consulting parties may address multiple steps in §§ 800.3 through 800.6 where the agency official and the SHPO/THPO agree it is appropriate as long as the consulting parties and the public have an adequate opportunity to express their views as provided in § 800.2(d).

§ 800.4 Identification of historic properties.

(a) Determine scope of identification efforts. In consultation with the SHPO/ THPO, the agency official shall:

- (1) Determine and document the area of potential effects, as defined in § 800.16(d);
- (2) Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified;
- (3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the under-taking's potential effects on historic properties; and
- (4) Gather information from any In-dian tribe or Native Hawaiian organization identified pursuant to § 800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register, recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to § 800.11(c).

(b) Identify historic properties. Based on the information gathered under paragraph (a) of this section, and in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to properties within the area of potential effects, the agency official shall take the steps necessary to identify historic properties within the area of potential effects.

(1) Level of effort. The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's standards and guidelines for identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal, and local laws, standards, and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

(2) Phased identification and evaluation. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to §

800.6, a programmatic agreement executed pursuant to § 800.14(b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to § 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/ THPO and any other consulting parties. As specific aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

(c) Evaluate historic significance. (1) Apply National Register criteria. In consultation with the SHPO/THPO and

any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified properties and guided by the Secretary's standards and guidelines for evaluation, the agency official shall apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility. The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible. The agency official shall acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(2) Determine whether a property is eligible. If the agency official determines any of the National Register criteria are met and the SHPO/THPO agrees, the property shall be considered eligible for the National Register for section 106 purposes. If the agency official determines the criteria are not met and the SHPO/THPO agrees, the property shall be considered not eligible. If the agency official and the SHPO/ THPO do not agree, or if the Council or the Secretary so request, the agency official shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR part 63. If an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to a property off tribal lands does not agree, it may ask the Council to request the agency official to obtain a determination of eligibility.

(d) Results of identification and evaluation. (1) No historic properties affected. If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i), the agency official shall provide documentation of this finding, as set forth in § 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking.

(i) If the SHPO/THPO, or the Council if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under section 106 are fulfilled.

(ii) If the SHPO/THPO objects within 30 days of receipt of an adequately documented finding, the agency official shall either consult with the objecting party to resolve the disagreement, or forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to paragraphs (d)(1)(iv)(A) through

(d)(1)(iv)(C) of this section. When an agency official forwards such requests for review to the Council, the agency official shall concurrently notify all consulting parties that such a request has been made and make the request documentation available to the public.

(iii) During the SHPO/THPO 30 day review period, the Council may object to the finding and provide its opinion regarding the finding to the agency official and, if the Council determines the issue warrants it, the head of the agency. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The agency shall then proceed according to paragraphs (d)(1)(iv)(B) and (d)(1)(iv)(C) of this section.

(iv) (A) Upon receipt of the request under paragraph (d)(1)(ii) of this section, the Council will have 30 days in which to review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the finding. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. If the Council does not respond within 30 days of receipt of the request, the agency official's responsibilities under section 106 are fulfilled.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion before the agency reaches a final decision on the finding.

(C) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall then prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial agency finding of no historic properties affected, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(D) The Council shall retain a record of agency responses to Council opinions on their findings of no historic properties affected. The Council shall make this information available to the public.

(2) Historic properties affected. If the agency official finds that there are historic properties which may be affected by the undertaking, the agency official shall notify all consulting parties, including Indian tribes or Native Hawaiian organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

§ 800.5 Assessment of adverse effects.

(a) Apply criteria of adverse effect. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) Criteria of adverse effect. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) Examples of adverse effects. Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of prop-erty out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

(3) Phased application of criteria. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to § 800.4(b)(2).

(b) Finding of no adverse effect. The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the under-taking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

(c) Consulting party review. If the agency official proposes a finding of no adverse effect, the agency official shall notify all consulting parties of the finding and provide them with the documentation specified in § 800.11(e). The SHPO/THPO shall have 30 days from receipt to review the finding.

(1) Agreement with, or no objection to, finding. Unless the Council is reviewing the finding pursuant to papagraph (c)(3) of this section, the agency official may proceed after the close of the 30 day review period if the SHPO/THPO has agreed with the finding or has not provided a response, and no consulting party has objected. The agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section.

(2) Disagreement with finding. (i) If within the 30 day review period the SHPO/THPO or any consulting party notifies the agency official in writing that it disagrees with the finding and specifies the reasons for the disagreement in the notification, the agency official shall either consult with the party to resolve the disagreement, or request the Council to review the finding pursuant to paragraphs (c)(3)(i) and (c)(3)(ii) of this section. The agency official shall include with such request the documentation specified in § 800.11(e). The agency official shall also concurrently notify all consulting parties that such a submission has been made and make the submission documentation available to the public.

(ii) If within the 30 day review period the Council provides the agency official and, if the Council determines the issue warrants it, the head of the agency, with a written opinion objecting to the finding, the agency shall then proceed according to paragraph (c)(3)(ii) of this section. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part.

(iii) The agency official should seek the concurrence of any Indian tribe or Native Hawaiian organization that has made known to the agency official that it attaches religious and cultural significance to a historic property subject to the finding. If such Indian tribe or Native Hawaiian organization disagrees with the finding, it may within the 30 day review period specify the reasons for disagreeing with the finding and request the Council to review and object to the finding pursuant to paragraph (c)(2)(ii) of this section.

(3) Council review of findings. (i) When a finding is submitted to the Council pursuant to paragraph (c)(2)(i) of this section, the Council shall review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with its opinion as to whether the adverse effect criteria have been correctly applied. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The Council will provide its opinion within 15 days of receiving the documented finding from the agency official. The Council at its discretion may extend that time period for 15 days, in which case it shall notify the agency of such extension prior to the end of the initial 15 day period. If the Council does not respond within the applicable time period, the agency official's responsibilities under section 106 are fulfilled.

(ii)(A) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the finding.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial finding of no adverse effect, once the summary of the decision has been sent to the Council, the SHPO/ THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(C) The Council shall retain a record of agency responses to Council opinions on their findings of no adverse effects. The Council shall make this information available to the public.

(d) Results of assessment. (1) No adverse effect. The agency official shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of § 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under section 106 and this part. If the agency official will not conduct the undertaking as proposed in the finding, the agency official shall reopen consultation under paragraph

(a) of this section.

(2) Adverse effect. If an adverse effect is found, the agency official shall consult further to resolve the adverse effect pursuant to § 800.6.

§ 800.6 Resolution of adverse effects.

(a) Continue consultation. The agency official shall consult with the SHPO/ THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.

(1) Notify the Council and determine Council participation. The agency official shall notify the Council of the adverse effect finding by providing the documentation specified in § 800.11(e).

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under § 800.14(b) will be prepared;

(ii) The SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party may at any time independently request the Council to participate in the consultation.

(iii) The Council shall advise the agency official and all consulting parties whether it will participate within 15 days of receipt of notice or other request. Prior to entering the process, the Council shall provide written notice to the agency official and the consulting parties that its decision to participate meets the criteria set forth in appendix A to this part. The Council shall also advise the head of the agency of its decision to enter the process. Consultation with Council participation is conducted in accordance with paragraph (b)(2) of this section.

(iv) If the Council does not join the consultation, the agency official shall proceed with consultation in accordance with paragraph (b)(1) of this section.

(2) Involve consulting parties. In addition to the consulting parties identified under § 800.3(f), the agency official, the SHPO/THPO and the Council, if participating, may agree to invite other individuals or organizations to become consulting parties. The agency official shall invite any individual or organization that will assume a specific role or responsibility in a memorandum of agreement to participate as a consulting party.

(3) Provide documentation. The agency official shall provide to all consulting parties the documentation specified in § 800.11(e), subject to the confidentiality provisions of §

800.11(c), and such other documentation as may be developed during the consultation to resolve adverse effects.

(4) Involve the public. The agency official shall make information available to the public, including the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c). The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of § 800.2(d) are met. (5) Restrictions on disclosure of information. Section 304 of the act and other authorities may limit the disclosure of information under paragraphs (a)(3) and (a)(4) of this section. If an Indian tribe or Native Hawaiian organization objects to the disclosure of information or if the agency official believes that there are other reasons to withhold information, the agency official shall comply with § 800.11(c) regarding the disclosure of such information. (b) Resolve adverse effects. (1) Resolution without the Council.

(i) The agency official shall consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

(ii) The agency official may use standard treatments established by the Council under § 800.14(d) as a basis for a memorandum of agreement.

(iii) If the Council decides to join the consultation, the agency official shall follow paragraph (b)(2) of this section.

(iv) If the agency official and the SHPO/THPO agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement. The agency official must submit a copy of the executed memorandum of agreement, along with the documentation specified in § 800.11(f), to the Council prior to approving the undertaking in order to meet the requirements of section 106 and this subpart.

(v) If the agency official, and the SHPO/THPO fail to agree on the terms of a memorandum of agreement, the agency official shall request the Council to join the consultation and provide the Council with the documentation set forth in § 800.11(g). If the Council decides to join the consultation, the agency official shall proceed in accordance with paragraph (b)(2) of this section. If the Council decides not to join the consultation, the Council will notify the agency and proceed to comment in accordance with § 800.7(c).

(2) Resolution with Council participation. If the Council decides to participate in the consultation, the agency official shall consult with the SHPO/THPO, the Council, and other consulting parties, including Indian tribes and Native Hawaiian organizations under § 800.2(c)(3), to seek ways to avoid, minimize or mitigate the adverse effects. If the agency official, the SHPO/THPO, and the Council agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement.

(c) Memorandum of agreement. A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with

section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement.

(1) Signatories. The signatories have sole authority to execute, amend or terminate the agreement in accordance with this subpart.

(i) The agency official and the SHPO/ THPO are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(1) of this section.

(ii) The agency official, the SHPO/ THPO, and the Council are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(2) of this section.

(iii) The agency official and the Council are signatories to a memorandum of agreement executed pursuant to § 800.7(a)(2).

(2) Invited signatories. (i) The agency official may invite additional parties to be signatories to a memorandum of agreement. Any such party that signs the memorandum of agreement shall have the same rights with regard to seeking amendment or termination of the memorandum of agreement as other signatories.

(ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) Concurrence by others. The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

(4) Reports on implementation. Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation.

(5) Duration. A memorandum of agreement shall include provisions for termination and for reconsideration of terms if the undertaking has not been implemented within a specified time.

(6) Discoveries. Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the subsequent discovery or identification of additional historic properties affected by the undertaking.

(7) Amendments. The signatories to a memorandum of agreement may amend it. If the Council was not a signatory

to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council.

(8) Termination. If any signatory determines that the terms of a memorandum of agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The agency official shall either execute a memorandum of agreement with signatories under paragraph (c)(1) of this section or request the comments of the Council under § 800.7(a).

(9) Copies. The agency official shall provide each consulting party with a copy of any memorandum of agreement executed pursuant to this subpart.

§ 800.7 Failure to resolve adverse effects.

(a) Termination of consultation. After consulting to resolve adverse effects pursuant to § 800.6(b)(2), the agency official, the SHPO/THPO, or the Council may determine that further consultation will not be productive and terminate consultation. Any party that terminates consultation shall notify the other consulting parties and provide them the reasons for terminating in writing.

(1) If the agency official terminates consultation, the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities shall request that the Council comment pursuant to paragraph (c) of this section and shall notify all consulting parties of the request.

(2) If the SHPO terminates consultation, the agency official and the Council may execute a memorandum of agreement without the SHPO's involvement.

(3) If a THPO terminates consultation regarding an undertaking occurring on or affecting historic properties on its tribal lands, the Council shall comment pursuant to paragraph (c) of this section.

(4) If the Council terminates consultation, the Council shall notify the agency official, the agency's Federal preservation officer and all consulting parties of the termination and comment under paragraph (c) of this section. The Council may consult with the agency's Federal preservation officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

(b) Comments without termination. The Council may determine that it is appropriate to provide additional advisory comments upon an undertaking for which a memorandum of agreement will be executed. The Council shall provide them to the agency official when it executes the memorandum of agreement.

(c) Comments by the Council. (1) Preparation. The Council shall provide an opportunity for the agency official, all consulting parties, and the public to provide their views within the time frame for developing its comments. Upon request of the Council, the agency official shall provide additional existing information concerning the undertaking and assist the Council in arranging an onsite inspection and an opportunity for public participation.

(2) Timing. The Council shall transmit its comments within 45 days of receipt of a request under paragraph (a)(1) or (a)(3) of this section or § 800.8(c)(3), or termination by the Council under § 800.6(b)(1)(v) or paragraph (a)(4) of this section, unless otherwise agreed to by the agency official.

(3) Transmittal. The Council shall provide its comments to the head of the agency requesting comment with copies to the agency official, the agency's Federal preservation officer, all consulting parties, and others as appropriate.

(4) Response to Council comment. The head of the agency shall take into account the Council's comments in reaching a final decision on the undertaking. Section 110(l) of the act directs that the head of the agency shall document this decision and may not delegate his or her responsibilities pursuant to section 106. Documenting the agency head's decision shall include:

- (i) Preparing a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's comments and providing it to the Council prior to approval of the undertaking
- (ii) Providing a copy of the summary to all consulting parties; and
- (iii) Notifying the public and making the record available for public inspection.

§ 800.8 Coordination With the National Environmental Policy Act.

- (a) General principles. (1) Early coordination. Federal agencies are encouraged to coordinate compliance with section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a "major Federal action significantly affecting the quality of the human environment," and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking's likely effects on historic properties. A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA. (2) Consulting party roles. SHPO/ THPOs, Indian tribes, and Native Hawaiian organizations, other consulting parties, and organizations and individuals who may be concerned with the possible effects of an agency action on historic properties should be prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration. (3) Inclusion of historic preservation issues. Agency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects.
- (b) Actions categorically excluded under NEPA. If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.
- (c) Use of the NEPA process for section 106 purposes. An agency official may use the process and documentation required for the preparation of an EA/ FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.
 - (1) Standards for developing environmental documents to comply with Section 106. During preparation of the EA or draft EIS (DEIS) the agency official shall:
 - (i) Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);
 - (ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through

800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors; (iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency's published NEPA procedures; and
(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) Review of environmental documents.

(i) The agency official shall submit the EA, DEIS, or EIS to the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS, or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS, or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) Resolution of objections. Within 30 days of the agency official's referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall review the objection and notify the agency as to its opinion on the objection.

(i) If the Council agrees with the objection:

(A) The Council shall provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the objection. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the issue of the objection.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council. The head of the agency may delegate his or her duties under this paragraph to the agency's senior Policy Official. If the agency official's initial decision regarding the matter that is the subject of the objection will be revised, the agency official shall proceed in accordance with the revised decision. If the final decision of the agency is to affirm the initial agency decision, once the summary of the final decision has been sent to the Council, the agency official shall continue its compliance with this section.

(ii) If the Council disagrees with the objection, the Council shall so notify the agency official, in which case the agency official shall continue its compliance with this section.

(iii) If the Council fails to respond to the objection within the 30 day period, the agency official shall continue its compliance with this section.

(4) Approval of the undertaking. If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official's responsibilities under section 106 and the procedures in this subpart shall then be satisfied when either:

(i) A binding commitment to such proposed measures is incorporated in:

(A) The ROD, if such measures were proposed in a DEIS or EIS; or

(B) An MOA drafted in compliance with § 800.6(c); or

(ii) The Council has commented under § 800.7 and received the agency's response to such comments.

(5) Modification of the undertaking. If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in §§ 800.3 through 800.6 will be followed as necessary.

[65 FR 77725, Dec. 12, 2000, as amended at 69 FR 40554, July 6, 2004]

§ 800.9 Council review of section 106 compliance.

(a) Assessment of agency official compliance for individual undertakings. The Council may provide to the agency official its advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the agency official's compliance with the procedures under this part. The Council may provide such advice at any time at the request of any individual, agency or organization or on its own initiative. The agency official shall consider the views of the Council in reaching a decision on the matter in question.

(b) Agency foreclosure of the Council's opportunity to comment. Where an agency official has failed to complete the requirements of section 106 in accordance with the procedures in this part prior to the approval of an undertaking, the Council's opportunity to comment may be foreclosed. The Council may review a case to determine whether a foreclosure has occurred. The Council shall notify the agency official and the agency's Federal preservation officer and allow 30 days for the agency official to provide information as to whether foreclosure has occurred. If the Council determines foreclosure has occurred, the Council shall transmit the determination to the agency official and the head of the agency. The Council shall also make the determination available to the public and any parties known to be interested in the undertaking and its effects upon historic properties.

(c) Intentional adverse effects by applicants. (1) Agency responsibility. Section 110(k) of the act prohibits a Federal agency from granting a loan, loan guarantee, permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106,

has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Guidance issued by the Secretary pursuant to section 110 of the act governs its implementation.

(2) Consultation with the Council. When an agency official determines, based on the actions of an applicant, that section 110(k) is applicable and that circumstances may justify granting the assistance, the agency official shall notify the Council and provide documentation specifying the circumstances under which the adverse effects to the historic property occurred and the degree of damage to the integrity of the property. This documentation shall include any views obtained from the applicant, SHPO/THPO, an Indian tribe if the undertaking occurs on or affects historic properties on tribal lands, and other parties known to be interested in the undertaking.

(i) Within thirty days of receiving the agency official's notification, unless otherwise agreed to by the agency official, the Council shall provide the agency official with its opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects.

(ii) The agency official shall consider the Council's opinion in making a decision on whether to grant assistance to the applicant, and shall notify the Council, the SHPO/THPO, and other parties known to be interested in the undertaking prior to granting the assistance.

(3) Compliance with Section 106. If an agency official, after consulting with the Council, determines to grant the assistance, the agency official shall comply with §§ 800.3 through 800.6 to take into account the effects of the undertaking on any historic properties.

(d) Evaluation of Section 106 operations. The Council may evaluate the operation of the section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the act

(1) Information from participants. Section 203 of the act authorizes the Council to obtain information from Federal agencies necessary to conduct evaluation of the section 106 process. The agency official shall make documentation of agency policies, operating procedures and actions taken to comply with section 106 available to the Council upon request. The Council may request available information and documentation from other participants in the section 106 process.

(2) Improving the operation of section 106. Based upon any evaluation of the section 106 process, the Council may make recommendations to participants, the heads of Federal agencies, and the Secretary of actions to improve the efficiency and effectiveness of the process. Where the Council determines that an agency official or a SHPO/THPO has failed to properly carry out the responsibilities assigned under the process in this part, the Council may participate in individual case reviews conducted under such process in addition to the SHPO/THPO for such period that it determines is necessary to improve performance or correct deficiencies. If the Council finds a pattern of failure by a Federal agency in carrying out its responsibilities under section 106, the Council may review the policies and programs of the agency related to historic preservation pursuant to section 202(a)(6) of the act and recommend methods to

improve the effectiveness, coordination, and consistency of those policies and programs with section 106

(a) Statutory requirement. Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When commenting on such undertakings, the Council shall use the process set forth in §§ 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) Resolution of adverse effects. The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under § 800.6.

(c) Involvement of the Secretary. The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) Report of outcome. When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

§ 800.10 Special requirements for protecting National Historic Landmarks.

(a) Statutory requirement. Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When commenting on such undertakings, the Council shall use the process set forth in §§ 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) Resolution of adverse effects. The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under § 800.6.

(c) Involvement of the Secretary. The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) Report of outcome. When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

§ 800.11 Documentation standards.

(a) Adequacy of documentation. The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient

documentation to enable any reviewing parties to understand its basis. The agency official shall provide such documentation to the extent permitted by law and within available funds. When an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied flexibly. If the Council, or the SHPO/THPO when the Council is not involved, determines the applicable documentation standards are not met, the Council or the SHPO/THPO, as appropriate, shall notify the agency official and specify the information needed to meet the standard. At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.

(b) Format. The agency official may use documentation prepared to comply with other laws to fulfill the requirements of the procedures in this subpart, if that documentation meets the standards of this section.

(c) Confidentiality. (1) Authority to withhold information. Section 304 of the act provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purposes of carrying out the act.

(2) Consultation with the Council. When the information in question has been developed in the course of an agency's compliance with this part, the Secretary shall consult with the Council in reaching determinations on the withholding and release of information. The Federal agency shall provide the Council with available information, including views of the SHPO/THPO, Indian tribes and Native Hawaiian organizations, related to the confidentiality concern. The Council shall advise the Secretary and the Federal agency within 30 days of receipt of adequate documentation.

(3) Other authorities affecting confidentiality. Other Federal laws and program requirements may limit public access to information concerning an undertaking and its effects on historic properties. Where applicable, those authorities shall govern public access to information developed in the section 106 process and may authorize the agency official to protect the privacy of non-governmental applicants.

(d) Finding of no historic properties affected. Documentation shall include:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- (2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to § 800.4(b); and
- (3) The basis for determining that no historic properties are present or affected.

(e) Finding of no adverse effect or adverse effect. Documentation shall include:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- (2) A description of the steps taken to identify historic properties;

- (3) A description of the affected his-toric properties, including information on the characteristics that qualify them for the National Register;
- (4) A description of the undertaking's effects on historic properties;
- (5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- (6) Copies or summaries of any views provided by consulting parties and the public.
- (f) Memorandum of agreement. When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.
- (g) Requests for comment without a memorandum of agreement. Documentation shall include:
 - (1) A description and evaluation of any alternatives or mitigation measures that the agency official proposes to resolve the undertaking's adverse effects;
 - (2) A description of any reasonable alternatives or mitigation measures that were considered but not chosen, and the reasons for their rejection;
 - (3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and
 - (4) Any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1).

§ 800.12 Emergency situations.

- (a) Agency procedures. The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.
- (b) Alternatives to agency procedures. In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:
 - (1) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or
 - (2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that

circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) Local governments responsible for section 106 compliance. When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with §§ 800.3 through 800.6.

(d) Applicability. This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

§ 800.13 Post-review discoveries.

(a) Planning for subsequent discoveries.

(1) Using a programmatic agreement. An agency official may develop a programmatic agreement pursuant to § 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking.

(2) Using agreement documents. When the agency official's identification efforts in accordance with § 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking and no programmatic agreement has been developed pursuant to paragraph (a)(1) of this section, the agency official shall include in any finding of no adverse effect or memorandum of agreement a process to resolve any adverse effects upon such properties. Actions in conformance with the process satisfy the agency official's responsibilities under section 106 and this part.

(b) Discoveries without prior planning. If historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the section 106 process

(3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and

(4) Any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1).

Subpart C—Program Alternatives

§ 800.14 Federal agency program alternatives.

(a) Alternate procedures. An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

(1) Development of procedures. The agency official shall consult with the Council, the National Conference of State Historic Preservation Officers, or individual SHPO/THPOs, as appropriate, and Indian tribes and Native Hawaiian organizations, as specified in paragraph (f) of this section, in the development of alternate procedures, publish notice of the availability of proposed alternate procedures in the FEDERAL REGISTER and take other appropriate steps to seek public input during the development of alternate procedures.

(2) Council review. The agency official shall submit the proposed alternate procedures to the Council for a 60-day review period. If the Council finds the procedures to be consistent with this part, it shall notify the agency official and the agency official may adopt them as final alternate procedures.

(3) Notice. The agency official shall notify the parties with which it has consulted and publish notice of final alternate procedures in the FEDERAL REGISTER.

(4) Legal effect. Alternate procedures adopted pursuant to this subpart substitute for the Council's regulations for the purposes of the agency's compliance with section 106, except that where an Indian tribe has entered into an agreement with the Council to substitute tribal historic preservation regulations for the Council's regulations under section 101(d)(5) of the act, the agency shall follow those regulations in lieu of the agency's procedures regarding undertakings on tribal lands. Prior to the Council entering into such agreements, the Council will provide Federal agencies notice and opportunity to comment on the proposed substitute tribal regulations.

(b) Programmatic agreements. The Council and the agency official may negotiate a programmatic agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings.

(1) Use of programmatic agreements. A programmatic agreement may be used:

(i) When effects on historic properties are similar and repetitive or are multi-State or regional in scope;

(ii) When effects on historic properties cannot be fully determined prior to approval of an undertaking;

(iii) When nonfederal parties are delegated major decision making responsibilities;

(iv) Where routine management activities are undertaken at Federal installations, facilities, or other land-management units; or

(v) Where other circumstances warrant a departure from the normal section 106 process.

(2) Developing programmatic agreements for agency programs.

(i) The consultation shall involve, as appropriate, SHPO/THPOs, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public. If the programmatic agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the agency official shall also follow paragraph (f) of this section.

(ii) Public participation. The agency official shall arrange for public participation appropriate to the subject matter and the scope of the program and in accordance with subpart A of this part. The agency official shall consider the nature of the program and its likely effects on historic properties and take steps to involve the individuals, organizations and entities likely to be interested (iii) Effect. The programmatic agreement

shall take effect when executed by the Council, the agency official and the appropriate SHPOs/THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in the consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe, or a designated representative of the tribe is a signatory to the agreement. Compliance with the procedures established by an approved programmatic agreement satisfies the agency's section 106 responsibilities for all individual undertakings of the program covered by the agreement until it expires or is terminated by the agency, the president of NCSHPO when a signatory, or the Council. Termination by an individual SHPO/THPO shall only terminate the application of a regional programmatic agreement within the jurisdiction of the SHPO/THPO. If a THPO assumes the responsibilities of a SHPO pursuant to section 101(d)(2) of the act and the SHPO is signatory to programmatic agreement, the THPO assumes the role of a signatory, including the right to terminate a regional programmatic agreement on lands under the jurisdiction of the tribe. (iv) Notice. The agency official shall notify the parties with which it has consulted that a programmatic agreement has been executed under paragraph (b) of this section, provide appropriate public notice before it takes effect, and make any internal agency procedures implementing the agreement readily available to the Council, SHPO/THPOs, and the public. (v) If the Council determines that the terms of a programmatic agreement are not being carried out, or if such an agreement is terminated, the agency official shall comply with subpart B of this part with regard to individual undertakings of the program covered by the agreement.

(3) Developing programmatic agreements for complex or multiple undertakings.

Consultation to develop a programmatic agreement for dealing with the potential adverse effects of complex projects or multiple undertakings shall follow § 800.6. If consultation pertains to an activity involving multiple undertakings and the parties fail to reach agreement, then the agency official shall comply with the provisions of subpart B of this part for each individual undertaking.

(4) Prototype programmatic agreements. The Council may designate an agreement document as a prototype programmatic agreement that may be used for the same type of program or undertaking in more than one case or area. When an agency official uses such a prototype programmatic agreement, the agency official may develop and execute the agreement with the appropriate SHPO/THPO and the agreement shall become final without need for Council participation in consultation or Council signature.

(c) Exempted categories. (1) Criteria for establishing. The Council or an agency official may propose a program or category of undertakings that may be exempted from review under the provisions of subpart B of this part, if the program or category meets the following criteria:

(i) The actions within the program or category would otherwise qualify as "undertakings" as defined in § 800.16;

(ii) The potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be minimal or not adverse; and

(iii) Exemption of the program or category is consistent with the purposes of the act.

(2) Public participation. The proponent of the exemption shall arrange for public participation appropriate to the subject matter and the scope of the exemption and in accordance with the standards in subpart A of this part. The proponent of the exemption

shall consider the nature of the exemption and its likely effects on historic properties and take steps to involve individuals, organizations and entities likely to be interested.

(3) Consultation with SHPOs/THPOs. The proponent of the exemption shall notify and consider the views of the SHPOs/THPOs on the exemption.

(4) Consultation with Indian tribes and Native Hawaiian organizations. If the exempted program or category of undertakings has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) Council review of proposed exemptions. The Council shall review an exemption proposal that is supported by documentation describing the program or category for which the exemption is sought, demonstrating that the criteria of paragraph (c)(1) of this section have been met, describing the methods used to seek the views of the public, and summarizing any views submitted by the SHPO/THPOs, the public, and any others consulted. Unless it requests further information, the Council shall approve or reject the proposed exemption within 30 days of receipt, and thereafter notify the relevant agency official and SHPO/THPOs of the decision. The decision shall be based on the consistency of the exemption with the purposes of the act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties in accordance with section 214 of the act.

(6) Legal consequences. Any undertaking that falls within an approved exempted program or category shall require no further review pursuant to subpart B of this part, unless the agency official or the Council determines that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of this part.

(7) Termination. The Council may terminate an exemption at the request of the agency official or when the Council determines that the exemption no longer meets the criteria of paragraph

(c)(1) of this section. The Council shall notify the agency official 30 days before termination becomes effective.

(8) Notice. The proponent of the exemption shall publish notice of any approved exemption in the FEDERAL REGISTER.

(d) Standard treatments. (1) Establishment. The Council, on its own initiative or at the request of another party, may establish standard methods for the treatment of a category of historic properties, a category of undertakings, or a category of effects on historic properties to assist Federal agencies in satisfying the requirements of subpart B of this part. The Council shall publish notice of standard treatments in the FEDERAL REGISTER.

(2) Public participation. The Council shall arrange for public participation appropriate to the subject matter and the scope of the standard treatment and consistent with subpart A of this part. The Council shall consider the nature of the standard treatment and its likely effects on historic properties and the individuals, organizations and entities likely to be interested. Where an agency official has proposed a standard treatment, the Council may request the agency official to arrange for public involvement.

(3) Consultation with SHPOs/THPOs. The Council shall notify and consider the views of SHPOs/THPOs on the proposed standard treatment.

(4) Consultation with Indian tribes and Native Hawaiian organizations. If the proposed standard treatment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) Termination. The Council may terminate a standard treatment by publication of a notice in the FEDERAL REGISTER 30 days before the termination takes effect.

(e) Program comments. An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6. The Council may provide program comments at its own initiative.

(1) Agency request. The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.

(2) Public participation. The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the undertakings and their likely effects on historic properties and the individuals, organizations and entities likely to be interested.

(3) Consultation with SHPOs/THPOs. The Council shall notify and consider the views of SHPOs/THPOs on the proposed program comment.

(4) Consultation with Indian tribes and Native Hawaiian organizations. If the program comment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) Council action. Unless the Council requests additional documentation, notifies the agency official that it will decline to comment, or obtains the consent of the agency official to extend the period for providing comment, the Council shall comment to the agency official within 45 days of the request.

(i) If the Council comments, the agency official shall take into account the comments of the Council in carrying out the undertakings within the category and publish notice in the FEDERAL REGISTER of the Council's comments and steps the agency will take to ensure that effects to historic properties are taken into account.

(ii) If the Council declines to comment, the agency official shall continue to comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(6) Withdrawal of comment. If the Council determines that the consideration of historic properties is not being carried out in a manner consistent with the program comment, the Council may withdraw the comment and the agency official shall comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(f) Consultation with Indian tribes and Native Hawaiian organizations when developing program alternatives. Whenever an agency official proposes a program alternative pursuant to paragraphs (a) through (e) of this section, the agency official shall ensure that development of the program alternative includes appropriate government-to-government

consultation with affected Indian tribes and consultation with affected Native Hawaiian organizations.

(1) Identifying affected Indian tribes and Native Hawaiian organizations. If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda, and applicable provisions of law.

(2) Results of consultation. The agency official shall provide summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations to the Council as part of the documentation for the proposed program alternative. The agency official and the Council shall take those views into account in reaching a final decision on the proposed program alternative.

[65 FR 77725, Dec. 12, 2000, as amended at 69 FR 40554, July 6, 2004]

§ 800.15 Tribal, State, and local program alternatives. [Reserved]

§ 800.16 Definitions.

(a) Act means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470–470w-6.

(b) Agency means agency as defined in 5 U.S.C. 551.

(c) Approval of the expenditure of funds means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

(e) Comment means the findings and recommendations of the Council formally provided in writing to the head of a Federal agency under section 106.

(f) Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

(g) Council means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(h) Day or days means calendar days.

- (i) Effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.
- (j) Foreclosure means an action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking.
- (k) Head of the agency means the chief official of the Federal agency responsible for all aspects of the agency's actions. If a State, local, or tribal government has assumed or has been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency.
- (l)(1) Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.
- (2) The term eligible for inclusion in the National Register includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.
- (m) Indian tribe means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (n) Local government means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.
- (o) Memorandum of agreement means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.
- (p) National Historic Landmark means a historic property that the Secretary of the Interior has designated a National Historic Landmark.
- (q) National Register means the National Register of Historic Places maintained by the Secretary of the Interior.
- (r) National Register criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).
- (s)(1) Native Hawaiian organization means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.
- (2) Native Hawaiian means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.
- (t) Programmatic agreement means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with § 800.14(b).

- (u) Secretary means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.
- (v) State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.
- (w) Tribal Historic Preservation Officer (THPO) means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.
- (x) Tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.
- (y) Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.
- (z) Senior policy official means the senior policy level official designated by the head of the agency pursuant to section 3(e) of Executive Order 13287.
- [65 FR 77725, Dec. 12, 2000, as amended at 69 FR 40555, July 6, 2004]

APPENDIX A TO PART 800—CRITERIA FOR COUNCIL INVOLVEMENT IN REVIEWING INDIVIDUAL SECTION 106 CASES

- (a) Introduction. This appendix sets forth the criteria that will be used by the Council to determine whether to enter an individual section 106 review that it normally would not be involved in.
- (b) General policy. The Council may choose to exercise its authorities under the section 106 regulations to participate in an individual project pursuant to the following criteria. However, the Council will not always elect to participate even though one or more of the criteria may be met.
- (c) Specific criteria. The Council is likely to enter the section 106 process at the steps specified in the regulations in this part when an undertaking:
- (1) Has substantial impacts on important historic properties. This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district.
 - (2) Presents important questions of policy or interpretation. This may include questions about how the Council's regulations are being applied or interpreted, including possible foreclosure or anticipatory demolition situations; situations where the outcome will set a precedent affecting Council policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings.
 - (3) Has the potential for presenting procedural problems. This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting parties which the Council's involvement could help resolve;

that are involved or likely to be involved in litigation on the basis of section 106; or carried out by a Federal agency, in a State or locality, or on tribal lands where the Council has previously identified problems with section 106 compliance pursuant to § 800.9(d)(2).

(4) Presents issues of concern to Indian tribes or Native Hawaiian organizations. This may include cases where there have been concerns raised about the identification of, evaluation of or assessment of effects on historic properties to which an Indian tribe or Native Hawaiian organization attaches religious and cultural significance; where an Indian tribe or Native Hawaiian organization has requested Council involvement to assist in the resolution of adverse effects; or where there are questions relating to policy, interpretation or precedent under section 106 or its relation to other authorities, such as the Native American Graves Protection and Repatriation Act.

Smart Budget Documents

State of Alabama EBO Form 4b		Alabama Historical Commission		Agency No. 320 Page 1 of 1	
FY 2006 Smart Operations Plan					
			ACTUAL	PROJECTED	BUDGET
			FY04	FY05	FY06
MISSION	Foster the protection, preservation and interpretation of Alabama's historic places. (41-9-240 Code of Alabama; 16USC 470 Federal Code)	(\$ in millions)			
VISION (Optional)	Lead in the protection, preservation, and interpretation of Alabama's historic places.				
VALUES (Optional)	Vve value stewardship of historic places to tell the story of all Alabamians with professionalism, and effective use of partnerships, human and financial resources.				
CRITICAL ISSUES (Optional)					
Internal	See below				
External	See below				
PROGRAM					
	Historic Resources Management				
ACTIVITY					
MISSION GOAL(S)	Foster the protection, preservation and interpretation of Alabama's historic places. 1 . Provide adequate resources for AHC programs and historic sites. 2. Provide education opportunities to team about significance of places and preservation principles and practices. 3. Collect and provide information on historic/prehistoric places to Alabamians. 4. Provide Alabama effective ways to preserve historic/prehistoric places. 5. Provide leadership, fiscal stability and a safe and stable work environment.				
WORKLOAD	Establish baseline for FY 2006				
	1 . Number of consituents and public served				
	2. Number of visiotrs at historic sites				
	3. Square feet of structures to maintain				
	4. Number of acres to maintain				
	5. Number of buildings and sites affected				
	6. Number of hits to web site				
CRITICAL ISSUES Internal	1 . Need to achieve consensus on direction and leadership to determine which statewide programs and historic sites to maintain, keep or find alternatives. 2. Need to improve internal & external communication for operational efficiency & public image. 3. Aging physical plant and equipment 4. Aging Information Technology				
External	Insufficient state and federal funds to achieve mission.				
OBJECTIVES		(FTE)			
Spending	Contain spending within state and federal appropriations, grants, and earned revenue.				
Staffing	Maintain current staffing level.				
Efficiency	Increase productivity of each staff member to establish baseline. calculated by (number of constituents served)/(number of full time staff)				
Quality	Review and respond to 95% of federal projects within 30 days to establish baseline. calculated by (total number of projects reviewed within 30 days)/(total number of projects reviewed				
STRATEGIES	1 . Identify, evaluate and register historic and prehistoric places and make information available to public. 2. Exercise Fiscal Responsibility. 3. Expand funding resources through self-generated actions, partnerships, grants and other resources to continue quality programs. 4. Provide resources to maintain statewide facilities and programs. 5. Increase education and external communications though outreach and technology. 6. Provide leadership to set priorities.				

Smart Quarterly Performance Report											
Fiscal Year: 2006											
Agency: 320 Historical Commission, Alabama											
Org:											
Program: 161 HISTORICAL RESOURCES MANAGEMEN											
Activity:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of constituents and public served	number	10,158	9,149	9,747	10,236	14,653	0	14,221	0	48,779	0
WC2: Number of visitors at Historic Sites	number	83,950	72,104	75,750	72,958	107,500	0	98,550	0	365,750	0
WC3: Square feet of structures to maintain	square feet	430,842	430,842	430,842	430,842	430,842	0	430,842	0	430,842	0
WC4: Number of acres to maintain	acres	1,393	1,393	1,393	1,393	1,393	0	1,393	0	1,393	0
WC5: Number of buildings and sites affected	number	13,011	11,145	11,223	12,932	11,772	0	13,752	0	49,758	0
WC6: Number of hits to web site	number	200,000	198,740	100,000	239,693	200,000	0	200,000	0	700,000	0

Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: Contain spending within state and federal appropriations, grants and earned revenue.	dollar amount	1,770,569	1,341,714	1,220,793	1,897,175.33	1,321,289	0	909,213	0	5,221,864	0
SP2: Budget and fund 97% of capital outlay projects from external sources.	dollar amount	959,683	100%	400,000	100%	566,833	0	400,000	0	2,326,516	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Maintain current level staffing	number	62	59	62	58	62	0	62	0	62	0
ST2: Maintain existing level of architectural project management staff.	number	1	1	1	1	1	0	1	0	1	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Increase productivity of each staff member to establish baseline. Calculated by (number of constituents served)/(number of full time staff)	number	163,839	155,068	157.21	176.48	236,339	0	229,371	0	786,758	0
EF2: Determine the efficiency completion rate of the design phase of capital outlay projects. Efficiency rate will equal number of design phase projects completed.	number	0	0	3	1	3	0	3	0	9	0
EF3: Determine the efficiency completion rate of construction phase of capital outlay projects. Efficiency rate will equal number of design phase projects completed.	number	0	0	2	2	2	0	3	0	7	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Review and respond to 95% of federal projects within 30 days to estimate baseline.	percentage	0.95	90%	0.95	97%	0.95	0	0.95	0	0	0
QU2: 100% of capital outlay projects meet Secretary of Interiors' Standards for Treatment of Historic Properties.	percentage	1	100%	1	100%	1	0	1	0	1	0

Item # Notes

SP2- Each quarterly projection should be 97%. The projections were incorrectly stated in dollar amounts; therefore, the actual is reported as a percentage.

EF3- Efficiency rate will equal number of construction phase projects completed not design phase projects as stated.

State of Alabama EBO Form No. 4a		2007 SMART Budget Request STRATEGIC PLAN SUMMARY	Historical Commission, Alabama Agency No.: 320
AGENCY	320	Historical Commission, Alabama	
AGENCY ORG			
PROGRAM			
ACTIVITY			

MISSION	To Preserve, protect, interpret Alabama's Historic Places (1975 Code of Al 41-9-242) (Governor's Priority 1& ^).
VISION	To lead in the perservation, protection and interpretation of Alabama's Historic Places
VALUES	

GOALS	G1: Provide adequate resources for AHC programs and historic sites. [Increase outside (non-General Fund) financial support by %] (GP-7)
	G2: Increase Web based education opportunities about significance places and preservation principles and practices. (GP-7)
	G3: Develop State and Local Partnerships for stronger local preservaton programs. (GP-7)
	G4: Generate financial support for AHC historic site restoration and maintenance. (GP-7)

Source of Funds				
Fund Code	Fund Name	Actual FY 06	Budgeted FY 07	Requested FY 08
	State General Fund Transfers:	\$0	\$0	\$0
	GF Transfer - AHC & Capitol	\$2,690,074	\$2,262,584	\$2,772,532
	GF Transfer - Pay Raise	\$0	\$63,347	\$0
	GF Transfer - Health Insurance	\$0	\$7,791	\$0
	GF Transfer - Capital Projects	\$0	\$0	\$887,000
	Federal Funds	\$1,001,531	\$2,109,571	\$1,111,141
	Historic Preservation Fund	\$1,195,665	\$960,282	\$1,438,952
	Soldiers Fund	\$296,375	\$322,385	\$475,000
	Preservation Trust Fund	\$1,200,000	\$602,177	\$217,678
	General Obligations Bond Series 2001-D Reimbursement	\$414,324	\$690,125	\$0
Total of all Funds Listed Above:		\$6,797,969	\$7,018,262	\$6,902,303

State of Alabama EBO Form No. 4a		2007 SMART Budget Request STRATEGIC PLAN SUMMARY		Historical Commission, Alabama Agency No.: 320	
AGENCY	320	Historical Commission, Alabama			
AGENCY ORG					
PROGRAM	050	CAPITAL OUTLAY			
ACTIVITY	0127	HISTORICAL SITE DEV & PRESERV			

MISSION	Foster the protection, preservation and interpretation of Alabama's historic places (Code of Alabama 41-9-42 et seq.).
VISION	Lead in the protection, preservation and interpretation of Alabama's historic places.
VALUES	We value stewardship of historic places to tell the story of all Alabamians with professionalism, partners and effective use of human and financial resources.

GOALS	G1: Generate financial support for AHC historic site restoration and maintenance. (GP-6) G2: Utilize grant funds from successful applications to restore and maintain AHC historic sites. (GP-6) G3: Restore historic structures to Secretary of Interior Standard's for Treatment of Historic Properties. (GP-6) G4: Eliminate use of outside storage facilities for artifacts and structures. (GP-6)
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CRITICAL ISSUES	<p>Internal ICI1: Need to achieve consensus on direction and leadership to determine which statewide programs and historic sites to maintain, keep or find alternatives. (G1) ICI2: Need to improve internal and external communication for operational efficiency and public image. (G1) ICI3: Aging physical plant and equipment - sewage systems, lawn maintenance equipment (G1) ICI4: Aging information technology - hardware, software and phone system (G1)</p> <p>External ECI1: Insufficient state and federal funds to achieve mission.</p>
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STRATEGIES	<p>1). Make critical repairs to AHC owned Historic Sites. (G1) 2). Expand funding resources through self-generated actions, partnerships, general fund revenues, grants and other resources to continue quality program. (G2) 3). Replace restoration carpenter position to provide restoration and maintenance at AHC historic Sites. (EC11) 4). Develop plan to eliminate leased storage spaces for artifacts and structures. (EC11)</p>
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WORKLOAD/ COST FACTORS	Performance Indicators	Actual FY05	Budget FY06	Estimated FY07
Number of acres to maintain.	acres	1,393	1,393	1,393
Square feet of structures to maintain.	sq. ft.	430,842	430,842	423,578

OBJECTIVES	Performance Indicators	Actual FY05	Budget FY06	Estimated FY07
Spending Budget and fund 80% of capital outlay projects from external sources	percentage	0	0.97	0.51
Continuation of the FY 06 implementation of internal budgeting procedures for capital outlay.	Formulate annual budget for capital outlay and approved by Commission.	0	0	1,795,390
Maintain spending within funding resources	\$	870,225	2,326,516	1,825,390
Staffing Replace restoration carpenter to provide restoration and maintenance at AHC historic sites.	salary/benefit amount	0	0	40,924
Efficiency Improve completion rate of design projects by 5% from FY06 baseline.	5% increase from FY06.	0	Establishing baseline	To be determined
Improve completion rate of construction projects by 5% from FY06 baseline.	5% increase from FY06.	0	Establishing baseline	To be determined
Quality All design and construction projects will meet "Secretary of the Interior's Standards for the Treatment of Historic Properties."	All work approved by preservation architect.	1	1	1

State of Alabama EBO Form No. 4a		2007 SMART Budget Request STRATEGIC PLAN SUMMARY		Historical Commission, Alabama Agency No.: 320	
AGENCY	320	Historical Commission, Alabama			
AGENCY ORG					
PROGRAM	161	HISTORICAL RESOURCES MANAGEMEN			
ACTIVITY	0127	HISTORICAL SITE DEV & PRESERV			

MISSION	Foster the protection, preservation and interpretation of Alabama's historic places (Code of Alabama 41-9-42 et seq; National Historic Preservation Act of 1966 as amended)
VISION	Lead in the protection, preservation, and interpretation of Alabama's historic places.
VALUES	We value stewardship of historic places to tell the story of all Alabamians with professionalism, and effective use of partnerships, and of human and financial resources.

GOALS	G1: Provide adequate resources for AHC programs and historic sites. [Increase outside (non-General Fund) financial support by %] (GP-6) G2: Increase Web based education opportunities about significance places and preservation principles and practices. (GP-2) G3: Develop State and Local Partnerships for stronger local preservaton programs. (GP-6) G4: Convert information on the location of historic structures from paper to digital format. (GP-6) G5: Seek appropriate ways to streamline the Environmental Review program and continue to protect resources. (GP-1)
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CRITICAL ISSUES	Internal ICI1: Need to achieve consensus on direction and leadership to determine which statewide programs and historic sites to maintain, keep or find alternatives. (G5) ICI2: Need to improve internal and external communication for operational efficiency and public image. (G5) ICI3: Aging physical plant and equipment - restrooms, septic system, tractors, lawn mowers. (G1) ICI4: Aging information technology- hardware, software, and phone system. (G3) External ECI1: Insufficient state and federal funds to achieve mission. (G5)
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STRATEGIES	1). Expand funding resources through self-generated actions, partnerships, grants and other resources to continue quality programs. (G1) 2). Expand education components of three program areas by 2008 (G2) 3). Reestablish statewide Main Street program and strengthen 13 local preservation organizations. (G3) 4). Digitize historic structure locations on county maps. (G3) 5). Develop agreements and training with other agencies to improve quality of environmental submissions. (G5)
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WORKLOAD/ COST FACTORS	Performance Indicators	Actual FY05	Budget FY06	Estimated FY07
Number of constituents and public served	number	40,912	48,779	55,200
Number of visitors at Historic Sites	number	310,760	365,750	370,000
Square feet of structures to maintain.	sq. ft.	430,842	430,842	423,587
Number of acres to maintain.	acres	1,393	1,393	1,393
Number of buildings and sites affected.	number	0	49,758	50,000
Number of hits to web site.	number	0	700,000	800,000

State of Alabama EBO Form No. 4a		2007 SMART Budget Request STRATEGIC PLAN SUMMARY		Historical Commission, Alabama Agency No.: 320	
AGENCY	320	Historical Commission, Alabama			
AGENCY ORG					
PROGRAM	161	HISTORICAL RESOURCES MANAGEMEN			
ACTIVITY	0127	HISTORICAL SITE DEV & PRESERV			
OBJECTIVES		Performance Indicators	Actual FY05	Budget FY06	Estimated FY07
Spending	Contain spending within state and federal appropriations, grants and earned revenue.	dollars	5,927,744	4,691,746	5,076,913
	Continue seeking grant support for statewide programs and educational activities.	Submit four grant applications for programs.	0	4	6
Staffing	Maintain current staffing level.	Retain 95% of employees.	100	70	69
Efficiency	Increase productivity of number constituents served per employee by 5% over FY06.	percentage	0	762.171875	800
	Increase local preservation programs.	Certify five new CLG and/or Main Street programs.	1	3	5
Quality	Increase number of projects reviewed within 30 days per employee by 5% over FY06.	percentage	0	0.95	1

Historic Property Administration in Southeastern States

MEMORANDUM

To: Dr. Ed Bridges, AHC members, staff & other interested parties
From: Bob Gamble, Senior Architectural Historian
Date: 19 November 2004
RE: State-Owned Historic Sites & State Historic Preservation Offices

This memorandum results from an informal conversation I had with Ed Bridges not long ago about the administration of state-owned historic sites outside Alabama, especially in the Southeast. During periodic visits to such sites over the years, and in casual discussions with colleagues from other states, I have gleaned a smattering of information about this matter which might prove of interest as the future course of the Alabama Historical Commission is considered, especially with regard to the management of state-owned historic sites. Ed has suggested that I share this information with you.

Although general patterns of similarity exist, each southeastern state approaches the management of state-owned historic sites in a slightly different way. Among them, however, Alabama is unusual in that virtually *all* state-owned/state-run historic sites are wholly administered through a small, independent state agency, the Alabama Historical Commission, which also functions as the state historic preservation office. (State historic sites *not* administered by the AHC include the independently-managed Saint Stephens and Blakeley historical parks).

Elsewhere in the Southeast (Florida, Georgia, Kentucky, Louisiana, the Carolinas, Virginia and Texas) state-owned historic sites are typically under the care of some kind of "state parks" or conservation agency, which itself may be a unit of a larger, cabinet-level department (such as the Georgia State Department of Natural Resources). Tennessee has an unusual arrangement whereby private, special-purpose associations administer each state-owned historic site under a formal management agreement – or "charter" – with the State. Fee simple ownership of the properties, however, still resides with the State of Tennessee (see below). Most of Mississippi's state-owned historic sites are managed by the Historic Properties Division of the State Department of Archives and History, of which the State Historic Preservation Office is another and completely separate division. It should also be noted that in other southeastern states, preservation programs and activities that apply broadly to all historic resources are administratively grouped together in one form or another as the "State Historic Preservation Office."

For those of you who may not know a great deal about the expected function of the State Historic Preservation Office (or SHPO), let me briefly explain. Following the passage in 1966 of the National Historic Preservation Act (and as a requirement for receiving federal funding and participating in federal preservation programs), each state designated an official "State Historic Preservation Officer" to implement historic site survey programs, administer the Section 106 protective program, and assume general education and other responsibilities, including federal grants administration. Some states assigned these duties to existing organizations. Others established new entities to implement the objectives of the '66 act. In all cases, however, the State Historic Preservation Office and its programs are intended to encourage the preservation of a whole range of historic sites of all kinds, among which those few that are state or publicly-owned (and open to the public) are but a fraction.

The trend in most southeastern states and perhaps elsewhere since 1966 has been to place both state historic preservation offices and historic sites administrative units under larger, often cabinet-level departments of state government. At the same time, the State Historic Preservation Office – by whatever name it may be called in a given state – tends to be a clearly separate unit of state government from that which manages state-owned historic sites. Sometimes (as in Mississippi and Georgia) both are under the same large "umbrella" department, but they function separately if sometimes interactively.

In at least two states outside the Southeast (Minnesota and Ohio), historic properties that would elsewhere probably be state-owned are managed for public benefit by their large and venerable statewide historical societies. Depending on the circumstances related to each property, the management may be *directly* under the society's control or through a management agreement with another entity (similar to Tennessee's arrangements). I am unfamiliar with the extent to which full-blown master plans have preceded the development of historic sites, either individually or collectively, in other states. This question may warrant further research, along with the long-range results. Also of interest might be the array of funding sources available in respective states and the degree of economic self-sufficiency historic properties in other states may have attained.

Below is a state-by-state summary of how state-owned historic sites are managed, as well as the role of each State Historic Preservation Office (if any) vis-à-vis state-owned properties. This sampling covers the southeastern states plus a few others..

I hope this information will prove helpful as the members of the Historical Commission, their staff, and perhaps outside consultants consider the future of state-owned historic sites – as well as the role of the State Historic Preservation Office in Alabama.

SUMMARY OF STATE-OWNED HISTORIC SITES ADMINISTRATION IN SOUTHEASTERN STATES OTHER THAN ALABAMA:

ARKANSAS:

State-owned historic sites: The Old State House Museum, the Historic Arkansas Museum, and the Delta Cultural Center are separate historic-site *divisions* under the umbrella Department of Arkansas Heritage. SHPO: This is the Arkansas Historic Preservation Program, a separate and coequal division of the Department of Arkansas Heritage, alongside the Old State House Museum, etc. The Arkansas Historic Preservation Program has no historic-site management responsibilities other than consultative when occasion requires.

FLORIDA:

State-owned historic sites: Most are under the Division of Parks & Recreation/ Department of Environmental Protection (since they are considered publicly-accessible recreational facilities as well as historic sites)

SHPO: This is the Historical Resources unit/Office of Cultural & Historical Programs, which is itself under the Florida Department of State (rather than the Department of Environmental Protection, which administers historic sites). By state law, state-authorized projects affecting any historic site under the care of the Division of Parks & Recreation *must* be reviewed by SHPO staff.

GEORGIA:

State-owned historic sites (18): These are under the Parks, Recreation & Historic Sites Division/ Department of Natural Resources.

SHPO: A separate and co-equal division (the Historic Preservation Division) under the Department of Natural Resources. As necessary, the SHPO staff lends expertise to the Historic Sites Division, but the two are not administratively linked except as units within the same umbrella department.

Note: The *Georgia Trust* is a parallel statewide, private organization which owns and manages 3 historic house museums or quasi-museums. As policy, incidentally, the Trust accepts only *endowed* properties as gift donations.

KENTUCKY:

State-owned historic sites (20): Administered by the Kentucky Department of Parks.

SHPO: This is the Kentucky Heritage Council (KHC), an agency of the Kentucky Commerce Cabinet. The KHC has consultative responsibilities only with regard to state-owned historic sites under the Department of Parks..

LOUISIANA:

State-owned historic sites (16, including house museums): Under the Office of State Parks/ Department of Culture Recreation & Tourism.

SHPO: A separate division ("Historic Preservation") under the same Department (Culture Recreation & Tourism) which administers state-owned historic sites. Archaeology is yet another and entirely separate division within the Department.

MISSISSIPPI:

State-owned historic sites (14; only 3 are fully staffed): Under the Historic Properties Division/Department of Archives and History (MDAH). Some work at the sites (such as security and maintenance) is contracted to private providers.

SHPO: The separate Historic Preservation Division, also under the MDAH, serves as the state historic preservation office. By state law, however, the SHPO reviews capital and other site projects initiated by the Historic Properties Division. The SHPO also has permitting responsibility for archaeological activity.

NORTH CAROLINA:

State-owned historic sites (27, including house museums): Under the Historic Sites Division/Department of Cultural Resources.

SHPO: A separate division (Historic Preservation) under the Office of Archives and History (itself a subsidiary of the Department of Cultural Resources). The SHPO may from time to time lend its knowledge and expertise to North Carolina Historic Sites, but has no oversight authority.

SOUTH CAROLINA:

State-owned historic sites: Under the Division of Parks Recreation & Tourism/Department of Natural Resources, which wholly manages and administers them.

SHPO: A separate and unrelated unit of state government (Historic Preservation), as a division of the Department of Archives & History. By state law, however, the SHPO reviews all capital projects impacting state-owned historic sites listed on the National Register.

TENNESSEE:

State-owned historic sites (22): Quasi-autonomous units, each administered by a special-purpose 501(C)3 organization (for example, the James K. Polk House Association, the Cragfont Association, etc) through a formal "charter" -- or operational agreement -- with the State of Tennessee. The State continues to hold fee simple title to each property through the Department of Environment & Conservation (DEC) and the Tennessee Historical Commission (THC), a subsidiary of DEC.

SHPO: This is the Tennessee Historical Commission. The THC has a single employee designated as liaison to the 501(C)3 organizations which operate state-owned sites. This employee assists only with physical maintenance of the properties through a small annual budget. Day-to-day management, interpretation, fund-raising, etc. all fall to charter organizations; on-site personnel are *not* State employees. Several sites are closed to the public during the winter months, allowing time for maintenance, cataloguing, interpretive development, etc.

Note: The private statewide Association for the Preservation of Tennessee Antiquities (APTA) administers several historic sites (mostly house museums) throughout Tennessee which might otherwise be in State hands.

TEXAS:

State-owned historic sites (40): These are wholly managed by the Department of Parks & Wildlife

SHPO: This is the Texas Historical Commission (THC). Through legislative fiat (1973) the THC has charge of a single state-owned house museum, the Sam Rayburn House. Otherwise, the THC has no responsibilities (other than consultative) as regards state-owned and operated historic sites.

VIRGINIA:

State-owned historic sites: In general. These are administered through the Department of Conservation and Recreation (VCR), most being a component of larger recreational facilities (such as Chippokes Plantation, where an antebellum mansion is part of a larger conserved natural area).

SHPO: This is the Virginia Landmarks Commission, a wholly separate agency under the Department of Historic Resources.

Note: As in neighboring Tennessee, the Association for the Preservation of Virginia Antiquities (APVA) is a private statewide organization which owns and administers historic sites, and actually predates governmental involvement with site administration. In Virginia more than in other southern states, the stewardship of historic sites and house museums (Mount Vernon, Monticello, etc.) has traditionally fallen to private, nonprofit organizations.

A FEW OUTSIDE THE SOUTHEAST:

MARYLAND:

State-owned historic sites: Under management of the Department of Natural Resources (over 500 buildings, located at 259 sites statewide). Some historic structures are maintained through the state's innovative Resident-Curatorship Program, which combines private and public capital and expertise. (This may warrant a closer look.)

SHPO: This is the Maryland Historical Trust, a governmental unit within the Department of Housing and Community Development. Although the Trust does not administer state-owned historic sites, its staff may review capital and other projects affecting them. Its focus is on identification, publication, education, Section 106 and other protection, etc.

MINNESOTA:

State-owned historic sites (24): Historic sites that would in most other states be under governmental stewardship are, in Minnesota, owned and administered through the Historic Sites Division of the Minnesota Historical Society (MHS). This is a private, non-profit institution although it receives state funding for its activities. Some of the 24 sites are operated directly by the Historic Sites Division; others, through management agreements with local entities.

SHPO: A separate division (Historic Preservation) under the umbrella Minnesota Historical Society. As needed, the SHPO staff provides consultation to the Historic Sites Division of the MHS.

NEW JERSEY:

State-owned historic sites: Formerly administered by the SHPO, but now under the care of the Office of Historic Sites/Division of Parks & Forestry/Department of Environmental Protection.

SHPO: This is the Historic Preservation Office, Department of Environmental Protection. The SHPO has no official connection with historic sites administration and management.

OHIO:

State-owned historic sites (40): Under the purview of the Ohio History Center, a subsidiary division of the Ohio Historical Society. Most state-owned sites are administered through management agreements with auxiliary organizations devoted to preservation of individual sites, similar to arrangements in Minnesota and Tennessee.

SHPO: A separate division (the Ohio State Historic Preservation Office), under the umbrella Ohio Historical Society.

Capital Outlay Expenditures

4/20/2006

Alabama Historical Commission

1 of 3

Major Expenditures	Research	Planning	Design	Construction	Totals
Capitol					
2001	0.00	0.00	190,131.36	79,432.00	269,563.36
2002	0.00	0.00	217,996.49	101,971.52	319,968.01
2003	0.00	0.00	7,120.00	183,459.89	190,579.89
2004	0.00	0.00	40,543.60	52,491.10	93,034.70
2005	0.00	0.00	88,546.40	0.00	88,546.40
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	0.00	0.00	544,337.85	417,354.51	961,692.36
Belle Mont					
2001	25,000.00	0.00	2,074.07	39,035.10	66,109.17
2002	12,500.00	0.00	1,425.93	0.00	13,925.93
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	6,522.40	0.00	6,522.40
2006 - as of 4/16/2006	0.00	0.00	6,750.00	0.00	6,750.00
TOTALS	37,500.00	0.00	16,772.40	39,035.10	93,307.50
Confederate Memorial Park					
2001	0.00	0.00	0.00	541,479.00	541,479.00
2002	0.00	0.00	36,282.34	11,594.00	47,876.34
2003	0.00	0.00	39,219.54	0.00	39,219.54
2004	0.00	0.00	16,216.61	0.00	16,216.61
2005	0.00	0.00	25,314.78	0.00	25,314.78
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	0.00	0.00	117,033.27	553,073.00	670,106.27
Fendall Hall					
2001	0.00	0.00	0.00	0.00	0.00
2002	18,250.00	0.00	0.00	0.00	18,250.00
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	18,250.00	0.00	0.00	0.00	18,250.00
Fort Mims					
2001	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00
2003	59,728.00	0.00	0.00	0.00	59,728.00
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	59,728.00	0.00	0.00	0.00	59,728.00
Fort Morgan					
2001	0.00	130,944.62	0.00	0.00	130,944.62
2002	35,715.55	284,838.66	0.00	0.00	320,554.21
2003	20,000.00	47,156.72	0.00	0.00	67,156.72
2004	0.00	140,825.84	0.00	25,500.00	166,325.84
2005	0.00	361,786.03	0.00	0.00	361,786.03
2006 - as of 4/16/2006	0.00	13,506.19	56,027.59	358,075.00	427,608.78
TOTALS	55,715.55	979,058.06	56,027.59	383,575.00	1,474,376.20

Major Expenditures	Research	Planning	Design	Construction	Totals
Fort Toulouse					
2001	0.00	0.00	0.00	0.00	0.00
2002	0.00	4,000.00	0.00	0.00	4,000.00
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	0.00	4,000.00	0.00	0.00	4,000.00
Gaineswood					
2001	0.00	0.00	10,655.83	27,919.55	38,575.38
2002	2,990.00	9,622.09	12,758.98	390,969.70	416,340.77
2003	0.00	0.00	14,222.81	0.00	14,222.81
2004	0.00	0.00	913.63	15,080.75	15,994.38
2005	8,600.00	0.00	13,481.55	0.00	22,081.55
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	11,590.00	9,622.09	52,032.80	433,970.00	507,214.89
Magnolia Grove					
2001	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00
2005	17,800.00	0.00	3,750.00	0.00	21,550.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	17,800.00	0.00	3,750.00	0.00	21,550.00
Middle Bay Lighthouse					
2001	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	325,472.86	325,472.86
2004	0.00	0.00	0.00	20,433.14	20,433.14
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	0.00	0.00	0.00	345,906.00	345,906.00
Montgomery Greyhound Bus Station					
2001	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	7,952.50	0.00	7,952.50
TOTALS	0.00	0.00	7,952.50	0.00	7,952.50
Old Cahawba					
2001	0.00	0.00	6,300.00	62,820.35	69,120.35
2002	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	3,961.26	0.00	3,961.26
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	0.00	0.00	0.00
TOTALS	0.00	0.00	10,261.26	62,820.35	73,081.61

Major Expenditures	Research	Planning	Design	Construction	Totals
Pond Spring					
2001	0.00	63,403.39	4,677.23	29,052.14	97,132.76
2002	0.00	334,758.68	17,577.57	390,800.05	743,136.30
2003	0.00	9,193.82	51,714.05	57,673.58	118,581.45
2004	0.00	3,128.20	14,875.13	2,585.50	20,588.83
2005	0.00	0.00	11,492.71	0.00	11,492.71
2006 - as of 4/16/2006	0.00	0.00	45,558.85	110,154.89	155,713.74
TOTALS	0.00	410,484.09	145,895.54	590,266.16	1,146,645.79
Teague-Rice-Semple-Haardt Complex					
2001	66,885.50	0.00	0.00	0.00	66,885.50
2002	13,138.50	0.00	0.00	0.00	13,138.50
2003	0.00	0.00	0.00	6,962.80	6,962.80
2004	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00
2006 - as of 4/16/2006	0.00	0.00	1,800.00	0.00	1,800.00
TOTALS	80,024.00	0.00	1,800.00	6,962.80	88,786.80
GRAND TOTALS	280,607.55	1,403,164.24	955,863.21	2,832,962.92	5,472,597.92

NOTES:

This report has been compiled strictly from the contract records of the agency maintained by John R. Powell, Jr., Contracts and Grants division of the agency. The above analysis of major expenditures is not a "full accounting" of the entire capital outlay at each historic site.

In calculating the architect's fee for a construction project, the majority of the Alabama Historical Commission's projects are classified as Group V under the Alabama Building Commission guidelines - the most expensive fee category. In addition, an increase of up to 25% in the Basic Fee Rate will be allowed for major renovation projects. This adjustment is intended to provide compensation to the design professional for the added effort required to investigate and develop drawings of existing conditions and other additional work required for renovation.

In addition to the capital outlay expenditures from 2001 - 2006, the Alabama Historical Commission has expended \$616,989.68 on repairs and maintenance at AHC owned sites.

Form 1023
(Rev. September 1998)
Department of the Treasury
Internal Revenue Service

**Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code**

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

Read the instructions for each Part carefully.

A User Fee must be attached to this application.

If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.

Complete the Procedural Checklist on page 8 of the instructions.

Part I Identification of Applicant	
1a Full name of organization (as shown in organizing document) ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.	2 Employer identification number (EIN) (If none, see page 3 of the Specific Instructions.) 26-0038441
1b c/o Name (if applicable)	3 Name and telephone number of person to be contacted if additional information is needed LEE WARNER 334-242-3184
1c Address (number and street) 468 SOUTH PERRY STREET	Room/Suite
1d City, town, or post office, state, and ZIP + 4. If you have a foreign address, see Specific Instructions for Part I, page 3. MONTGOMERY, AL 36130-0900	4 Month the annual accounting period ends SEPTEMBER
1e Web site address N/A	5 Date incorporated or formed NOVEMBER 1, 2001
6 Check here if applying under section: a <input type="checkbox"/> 501(c) b <input type="checkbox"/> 501(n) c <input type="checkbox"/> 501(k) d <input type="checkbox"/> 501(n)	
7 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," attach an explanation.	
8 Is the organization required to file Form 990 (or Form 990-EZ)? <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach an explanation (see page 3 of the Specific Instructions).	
9 Has the organization filed Federal income tax returns or exempt organization information returns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the form numbers, years filed, and Internal Revenue office where filed.	
10 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See Specific Instructions for Part I, Line 10, on page 3.) See also Pub. 557 for examples of organizational documents.)	
a <input checked="" type="checkbox"/> Corporation — Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.	
b <input type="checkbox"/> Trust — Attach a copy of the Trust indenture or Agreement, including all appropriate signatures and dates.	
c <input type="checkbox"/> Association — Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.	
If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here <input checked="" type="checkbox"/>	
I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.	
Signature	(Type or print name and title or authority of signer)
Date	(Date)

For Paperwork Reduction Act Notice, see page 7 of the instructions.

USA
STF FED2129F.1

Part II Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization — past, present, and planned. Do not merely refer to or repeat the language in the organizational document. List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

Attachment 2

- 2 What are or will be the organization's sources of financial support? List in order of size.

Contributions from foundations, corporations and individuals; grants from the Alabama Historical Commission.

- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support.

Attachment 3

Part II Activities and Operational Information (Continued)**4** Give the following information about the organization's governing body:

a Names, addresses, and titles of officers, directors, trustees, etc.
Attachment 4

b Annual compensation
None

c Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? ☒ Yes ☐ No
If "Yes," name those persons and explain the basis of their selection or appointment.

Thirteen members are those persons appointed by the Governor to the Alabama Historical Commission. Four members serve ex-officio on the Commission and the Foundation Board. Attachment 4 indicates the basis of appointment.

d Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See Specific Instructions for Part II, Line 4d, on page 3.) ☐ Yes ☒ No
If "Yes," explain.

5 Does the organization control or is it controlled by any other organization? ☒ Yes ☐ No
Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? ☒ Yes ☐ No
If either of these questions is answered "Yes," explain.

Seventeen of the twenty Commissioners of the Alabama Historical Commission are also Directors of the Foundation.

6 Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than a 501(c)(3) organization): (a) grants; (b) purchases or sales of assets; (c) rental of facilities or equipment; (d) loans or loan guarantees; (e) reimbursement arrangements; (f) performance of services, membership, or fundraising solicitations; or (g) sharing of facilities, equipment, mailing lists or other assets, or paid employees? ☐ Yes ☒ No
If "Yes," explain fully and identify the other organizations involved.

7 Is the organization financially accountable to any other organization? ☐ Yes ☒ No
If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

Part II Activities and Operational Information (Continued)

- 8** What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If none, indicate "N/A."

None

- 9** Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years? ☐ Yes ☒ No

- 10a** Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement? ☐ Yes ☒ No

- b** Is the organization a party to any leases? ☐ Yes ☒ No
If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

- 11** Is the organization a membership organization? ☐ Yes ☒ No
If "Yes," complete the following:

- a** Describe the organization's membership requirements and attach a schedule of membership fees and dues.

- b** Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

- c** What benefits do (or will) the members receive in exchange for their payment of dues?

- 12a** If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them? ☐ N/A ☐ Yes ☒ No
If "Yes," explain how the charges are determined and attach a copy of the current fee schedule.

- b** Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals? ☒ N/A ☐ Yes ☐ No
If "Yes," explain how the recipients or beneficiaries are or will be selected.

- 13** Does or will the organization attempt to influence legislation? ☐ Yes ☒ No
If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

- 14** Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements? ☐ Yes ☒ No
If "Yes," explain fully.

Part III Technical Requirements

- 1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? ☒ Yes ☐ No

If you answer "Yes," do not answer questions on lines 2 through 6 below.

- 2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 7.

Exceptions — You are not required to file an exemption application within 15 months if the organization:

- ☐ a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See **Specific Instructions**, Line 2a, on page 4;
- ☐ b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- ☐ c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

- 3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed? ☐ Yes ☐ No

If "Yes," your organization qualifies under Regulation section 301.9100-2, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 6.

If "No," answer question 4.

- 4 If you answer "No" to question 3, does the organization wish to request an extension of time to apply under the "reasonable action and good faith" and the "no prejudice to the interest of the government" requirements of Regulations section 301.9100-3? ☐ Yes ☐ No

If "Yes," give the reasons for not filing this application within the 27-month period described in question 3. See **Specific Instructions**, Part III, Line 4, before completing this item. Do not answer questions 5 and 6.

If "No," answer questions 5 and 6.

- 5 If you answer "No" to question 4, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? ☐ Yes ☐ No
- 6 If you answer "Yes" to question 5 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here ☐ and attach a completed page 1 of Form 1024 to this application.

Part III Technical Requirements (Continued)

7 Is the organization a private foundation?

☐ Yes (Answer question 8.)☒ No (Answer question 9 and proceed as instructed.)

8 If you answer "Yes" to question 7, does the organization claim to be a private operating foundation?

☐ Yes (Complete Schedule E.)☐ No

After answering question 8 on this line, go to line 14 on page 7.

9 If you answer "No" to question 7, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

a <input type="checkbox"/>	As a church or a convention or association of churches (CHURCHES MUST COMPLETE SCHEDULE A.)	Sections 509(a)(1) and 170(b)(1)(A)(i)
b <input type="checkbox"/>	As a school (MUST COMPLETE SCHEDULE B.)	Sections 509(a)(1) and 170(b)(1)(A)(ii)
c <input type="checkbox"/>	As a hospital or cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital (These organizations, except for hospital service organizations, MUST COMPLETE SCHEDULE C.)	Sections 509(a)(1) and 170(b)(1)(A)(iii)
d <input type="checkbox"/>	As a governmental unit described in section 170(c)(1).	Sections 509(a)(1) and 170(b)(1)(A)(v)
e <input type="checkbox"/>	As being operated solely for the benefit of, or in connection with, one or more of the organizations described in a through d, g, h, or i (MUST COMPLETE SCHEDULE D.)	Section 509(a)(3)
f <input type="checkbox"/>	As being organized and operated exclusively for testing for public safety.	Section 509(a)(4)
g <input type="checkbox"/>	As being operated for the benefit of a college or university that is owned or operated by a governmental unit.	Sections 509(a)(1) and 170(b)(1)(A)(vi)
h <input checked="" type="checkbox"/>	As receiving a substantial part of its support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.	Sections 509(a)(1) and 170(b)(1)(A)(vi)
i <input type="checkbox"/>	As normally receiving not more than one-third of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).	Section 509(a)(2)
j <input type="checkbox"/>	The organization is a publicly supported organization but is not sure whether it meets the public support test of h or i. The organization would like the IRS to decide the proper classification.	Sections 509(a)(1) and 170(b)(1)(A)(vi) or Section 509(a)(2)

If you checked one of the boxes a through f in question 9, go to question 14. If you checked box g in question 9, go to questions 11 and 12. If you checked box h, i, or j, in question 9, go to question 10.

Part III Technical Requirements (Continued)

- 10 If you checked box h, i, or j in question 9, has the organization completed a tax year of at least 8 months?
- ☐ Yes — Indicate whether you are requesting:
- ☐ A definitive ruling. (Answer questions 11 through 14.)
- ☐ An advance ruling. (Answer questions 11 and 14 and attach two Forms 872-C completed and signed.)
- ☒ No — You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the Form 1023.

- 11 If the organization received any unusual grants during any of the tax years shown in Part IV-A, **Statement of Revenue and Expenses**, attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

N/A

- 12 If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here ☐ and:

- a Enter 2% of line 8, column (e), Total, of Part IV-A.
- b Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line 12a above.

- 13 If you are requesting a definitive ruling under section 509(a)(2), check here ☐ and:

- a For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of "disqualified person," see **Specific Instructions**, Part II, Line 4d, on page 3.)
- b For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

14 indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. Do not submit blank schedules.)	Yes	No	If "Yes," complete Schedule:
Is the organization a church?		X	A
Is the organization, or any part of it, a school?		X	B
Is the organization, or any part of it, a hospital or medical research organization?		X	C
Is the organization a section 509(a)(3) supporting organization?		X	D
Is the organization a private operating foundation?		X	E
Is the organization, or any part of it, a home for the aged or handicapped?		X	F
Is the organization, or any part of it, a child care organization?		X	G
Does the organization provide or administer any scholarship benefits, student aid, etc.?		X	H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution?		X	I

Part IV Financial Data

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

A. Statement of Revenue and Expenses

		Current tax year	3 prior tax years or proposed budget for 2 years			(e) TOTAL
		(a) From _____ to _____	(b) 2001-2002	(c) 2002-2003	(d) _____	
Revenue	1 Gifts, grants, and contributions received (not including unusual grants — see page 6 of the instructions).....		275,000.00	750,000.00		1,025,000.00
	2 Membership fees received					
	3 Gross investment income (see instructions for definition)	New				0.00
	4 Net income from organization's unrelated business activities not included on line 3	Organization				0.00
	5 Tax revenues levied for and either paid to or spent on behalf of the organization					
	6 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge)					
	7 Other income (not including gain or loss from sale of capital assets) (attach schedule)					
	8 Total (add lines 1 through 7)	0.00	275,000.00	750,000.00		1,025,000.00
	9 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513. Include related cost of sales on line 22					
	10 Total (add lines 8 and 9)	0.00	275,000.00	750,000.00		1,025,000.00
11 Gain or loss from sale of capital assets (attach schedule)						
12 Unusual grants						
13 Total revenue (add lines 10 through 12)	0.00	275,000.00	750,000.00		1,025,000.00	
Expenses	14 Fundraising expenses		20,000.00	25,000.00		
	15 Contributions, gifts, grants, and similar amounts paid (attach schedule)			515,000.00		
	16 Disbursements to or for benefit of members (attach schedule)					
	17 Compensation of officers, directors, and trustees (attach schedule)					
	18 Other salaries and wages		50,000.00	85,000.00		
	19 Interest		4,200.00	7,200.00		
	20 Occupancy (rent, utilities, etc.) ..					
	21 Depreciation and depletion		25,800.	17,800.		
	22 Other (attach schedule)					
	23 Total expenses (add lines 14 through 22)		100,000.00	750,000.00		
	24 Excess of revenue over expenses (line 13 minus line 23)	0.00	175,000.00	0.00		

STP FEC2129F.8

Part IV Financial Data (Continued)

B. Balance Sheet (at the end of the period shown)		Current tax year Date _____
Assets		
1	Cash	New organization
2	Accounts receivable, net	2 No assets
3	Inventories	3
4	Bonds and notes receivable (attach schedule)	4
5	Corporate stocks (attach schedule)	5
6	Mortgage loans (attach schedule)	6
7	Other investments (attach schedule)	7
8	Depreciable and depletable assets (attach schedule)	8
9	Land	9
10	Other assets (attach schedule)	10
11	Total assets (add lines 1 through 10)	11 0.00
Liabilities		
12	Accounts payable	12
13	Contributions, gifts, grants, etc., payable	13
14	Mortgages and notes payable (attach schedule)	14
15	Other liabilities (attach schedule)	15
16	Total liabilities (add lines 12 through 15)	16
Fund Balances or Net Assets		
17	Total fund balances or net assets	17
18	Total liabilities and fund balances or net assets (add line 16 and line 17)	18
If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation. <input type="checkbox"/>		

ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.
EIN: 26-0038441
ATTACHMENT 2

FORM 1023, PART II, LINE 1

The purpose of The Alabama Historical Commission Foundation, Inc. (hereinafter "The Foundation") is to provide financial and program support for the Alabama Historical Commission (hereinafter "The Commission").

The Commission is an agency of the State of Alabama which was created by the Legislature "to foster the understanding and preservation of our heritage." The Commission is charged with safeguarding Alabama's historic buildings and sites.

The Foundation's planned activities are as follows:

1. Capital improvements at historic sites

The Foundation will undertake activities to fund capital improvements at the Commission's historic sites. The Commission estimates capital needs of \$34,312,500 over the next five years. The Commission anticipates that public funding will provide approximately 50% of these capital needs. The Foundation will provide a substantial portion of the remainder through its fundraising efforts.

The Foundation will solicit financial support from foundations, corporations and individuals. The Foundation will also establish a planned giving program to facilitate future and sustained contributions from individuals.

The Foundation will employ an experienced fundraiser on its staff and will begin its fundraising efforts by mid-2002. The fundraising activities will be directed from the Foundation's Montgomery, Alabama office. The solicitation of contributions will be conducted primarily within the State of Alabama. Volunteers will assist the Foundation's employee in identifying and contacting prospective donors.

This activity will constitute approximately 90% of the Foundation's time and efforts.

2. Historic Endangered Landmarks Program (HELP)

The Foundation will provide support to HELP, the Commission's endangered properties project. HELP encourages the preservation of "landmark"-caliber structures and historic areas that otherwise may be lost. Through HELP, the Commission provides technical support in identifying properties, documenting landmarks, and developing financial strategies for preservation.

The Foundation would encourage the preservation of significant landmarks by:

- Purchasing historically significant properties to protect them from destruction and then selling them to an appropriate agency or person who will insure their preservation.
- Accepting the contribution of threatened structures and selling the property to an owner who agrees to restore the property under a permanent protective covenant.
- Entering into property lease or option agreements in order to safeguard a threatened landmark.
- Encouraging and accepting long-term protective easements on landmark properties. The easements would allow an owner to safeguard the property from potential threats such as environmental encroachment and unsympathetic remodeling.

- Maintaining an emergency fund for use (normally on a matching basis) in cases of imminent threat to a significant landmark.

The Commission will identify the qualifying properties and the Foundation's staff will execute the transactions needed to facilitate the property transfers. The Foundation will initiate this activity in mid-2002.

This activity will constitute approximately 10% of the Foundation's time and efforts.

3. Other activities

As the Commission identifies other opportunities for historical preservation and education, the Foundation will participate as allowed by its resources.

ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.
EIN: 26-0038441
ATTACHMENT 3

FORM 1023, PART II , LINE 3

The Foundation's planned fundraising program consists of personal efforts by its employee to identify and solicit sources of funds through foundations, corporations and individuals. The employee will also enlist the assistance of the Foundation's board members and others active in the State's historic preservation efforts.

The specific plans and material will be developed in mid-2002 after the employment of the Foundation's staff fundraiser.

ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.
EIN: 26-0038441
ATTACHMENT 4

FORM 1023, PART II, LINE 4.a.
ALABAMA HISTORICAL COMMISSION FOUNDATION DIRECTORS

Name and Address	Represents
Dr. James "Ike" Adams * School of Social Work The University of Alabama P.O. Box 870314 Tuscaloosa, AL 35487-0314	University of Alabama
Mr. Mark Berson (Ex-officio) * Bureau of Tourism & Travel P.O. Box 4927 Montgomery, AL 36104-4927	Director of Alabama Bureau of Tourism & Travel
Dr. Edwin Bridges (Ex-officio)* Department of Archives & History P.O. Box 300100 624 Washington Avenue Montgomery, AL 36130-0100	Director of Alabama Department of Archives and History
Mr. Nicholas H. Cobbs, Jr.* 1110 Main Street Greensboro, AL 36744	Alabama Historical Association
Dr. Allen T. Cronenberg * Center for Arts & Humanities Auburn University, Pebble Hill Auburn University, AL 36849	Auburn University
Mr. William (Bill) Drinkard* Drinkard Development, Inc. P.O. Box 996 Cullman, AL 35056-0996	Alabama State Chamber of Commerce
Mrs. Janice Hawkins* 110 McKinley Drive Troy, AL 36081	Troy State University

Honorable Bobby M. Junkins *
Judge of Probate – Etowah County
P.O. Box 187
Gadsden, AL 35902

Member At Large

Mr. F. Clason Kyle (Ex-officio)*
Historic Chattahoochee Commission
925 Blandford Avenue
Columbus, GA 31906

Historic Chattahoochee Commission

Mr. Frank E. Litchfield III*
President & Treasurer
Seay, Seay & Litchfield
1115 South Court Street
Montgomery, AL 36104

American Institute of Architects

Dr. Mike Mahan *
19275 Highway 139
Briarfield, AL 35035

University of Montevallo

Representative Angelo Mancuso *
2828 Highway 31 South, Suite 103
Decatur, AL 35603
State House Office, Room 523-C

Member At Large

Mrs. Geri Moulton*
1202 Government Street
Mobile, AL 36606

University of South Alabama

Dr. Craig Sheldon *
Auburn University at Montgomery
Department of Anthropology
7300 University Drive
Montgomery, AL 36117-3596

Alabama Archaeological Society

Mr. Riley B. Smith (Ex-officio) *
Department of Conservation & Natural Resources
Folsom Administrative Building, Room 468
Montgomery, AL 36130-1450

**Commissioner of Department of
Conservation & Natural Resources**

Mr. Winston T. Smith, Jr.*
P.O. Box 427
Opelika, AL 36803

Member At Large

Mr. Kippy Tate, Director (Ex-officio) *
State Building Commission
770 Washington Avenue, Suite 444
Montgomery, AL 36130-1150

**Director of Technical Staff of Alabama
Building Commission**

Notes:

No compensation is paid to any board member for his/her service on the Foundation's Board of Directors.

The Foundation's Articles of Incorporation provide for the majority of the Commissioners of the Alabama Historical Commission also to be directors of the Foundation. These are denoted by *.

ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.

EIN: 26-0038441

ATTACHMENT 5

FORM 1023, PART IV, A

	<u>2001-2002</u>	<u>2002-2003</u>
Expenses, line 15 - Contributions, gifts, grants, and similar amounts paid		
Alabama Historical Commission Projects		\$ 615,000
Capital expenditures at six major historic sites:		
Alabama State Capitol		
Fort Toulouse		
Montgomery Greyhound Station		
Old Cahawba		
Pond Spring		
Fort Morgan		
	<u>\$ -</u>	<u>\$ 615,000</u>
Expenses, line 18 - Other salaries and wages		
Staff fundraiser (compensation, taxes and benefits)	\$ 50,000	\$ 85,000
	<u>\$ 50,000</u>	<u>\$ 85,000</u>
Expenses, line 22 - Other		
Printing	\$ 4,000	\$ 500
Computer and office equipment	8,000	-
Telephone	2,100	3,600
Office supplies	1,500	500
Legal and accounting services	8,800	10,800
Contracted clerical assistance	1,400	2,400
	<u>\$ 25,800</u>	<u>\$ 17,800</u>

BYLAWS

ALABAMA HISTORICAL COMMISSION FOUNDATION

ARTICLE I

NAME AND LOCATION

Section 1. Name

The name of this organization shall be the Alabama Historical Commission Foundation, Inc.

Section 2. Location

The principal address of the Alabama Historical Commission Foundation, Inc., is: Post Office Box 4306, Montgomery, AL, 36103

ARTICLE II

PURPOSES

The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary and educational within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 as amended or any superseding statutes thereto. Pursuant to the purposes described, the Alabama Historical Commission Foundation shall conduct any and all activities deemed necessary and proper by the Board of Directors consistent with the laws of the United States of America and the State of Alabama. Said activities shall include, but not be limited to:

Section 1. promoting interest, knowledge, and appreciation of Alabama history through programs sponsored by the Alabama Historical Commission;

- Section 2.* cooperating with other organizations to provide funding and promotional support for such programs;
- Section 3.* cooperating with other corporations not for profit, foundations, institutions, governments, and or political subdivisions thereof, other organizations and individuals, in the establishment and promotion of the programs of the Alabama Historical Commission;
- Section 4.* conducting special events and programs with all net proceeds being used to support the programs of the Commission;
- Section 5.* making grants or gifts of money, or other property, for scholarships, for research, and for support of programs and projects of the Alabama Historical Commission;
- Section 6.* soliciting when authorized by law, and accepting gifts, grants and bequests of money, securities or other property real or personal, for the endowment of its purposes and to hold the same in trust, or otherwise, in accordance with the instructions of the donor, and to invest and reinvest the same, and to employ the interest and income from such investments as well as the principal for its lawful purposes, to acquire in any lawful manner, property of every kind and description and to hold, direct, administer, manage, operate, own and dispose of the same. Any gift to the corporation for the purposes herein provided may be made by effectively identifying the gift as made to or for the purposes of the Alabama Historical Commission or by effectually identifying this corporation by reference in the manner permitted by law in any Will, Deed, or written instrument legally operative to transfer title to the corporation, and in this respect, the donor or testator shall adopt all of the provisions of this Charter and such Bylaws as may

be in effect from time to time, and the gift shall be devoted to the purposes set forth herein;

Section 7. holding, managing, pledging, selling, renting, leasing, transferring, or in any manner, disposing of and dealing and trading in real estate, goods, merchandise, tangible and intangible property of and every class and description where ever the same may be located.

Notwithstanding any other provision of these articles, this organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal income tax under section 501(3) of the Internal Revenue Code of 1986, as amended or any superseding status thereto.

ARTICLE III

TERM

The term of existence of this corporation shall be perpetual, unless sooner dissolved in accordance with the laws of the State of Alabama pertaining to the dissolution of nonprofit corporations.

ARTICLE IV

MEMBERSHIP

This corporation shall have no members. The Board of Directors shall conduct all business of the corporation.

ARTICLE V

DIRECTORS AND OFFICERS

- Section 1.* The management of the business and affairs of the Foundation shall be vested in a Board of Directors (hereinafter "the Board"). The initial Board shall consist of the following persons: Seven persons who are current members of the Alabama Historical Commission including the Executive Committee of the Commission and one other member appointed by the AHC Chairperson. The permanent Board shall also include eight other persons chosen for their interest in historic preservation and historic sites by the persons specifically appointed to the Board in the previous sentence. The initial Board is specifically empowered to operate pending the selection of these additional members.
- Section 2.* Directors serving pursuant to their tenure on the AHC Executive Committee shall serve terms concurrent with their terms as members of the AHC Executive Committee; the other AHC member shall serve a term concurrent with the AHC Chairperson. Other directors shall serve three year terms and the Nominating Committee shall nominate potential directors to a specific term with the objective of providing for staggered terms.
- Section 3.* The Directors shall be trustees of the corporation and its assets, both real and personal, and shall fulfill functions and duties ascribed to them by all applicable laws. Directors shall in no way incur personal liability from the actions of the corporation, and shall be entitled to indemnification according to the provisions of the Alabama Non-Profit Corporation Act.

- Section 4.* The Executive Director of the Alabama Historical Commission will be Executive Secretary of the Board and will manage and conduct the daily affairs and business of the corporation. The Executive Secretary shall not be a member of the board, and shall report his or her activities at least quarterly to the Board.
- Section 5.* The Foundation may appoint staff and provide compensation for the same. Such employees shall undertake projects as assigned by the Executive Secretary and the Executive Committee.
- Section 6.* The Board of Directors shall meet at least annually in a location specified by the chairperson with a minimum of two weeks notification. The location of said meetings may be any location within or outside the State of Alabama. The Directors shall serve without compensation except that the corporation shall reserve the right to reimburse all Directors for all reasonable travel expenses incurred in attending the meetings, and shall so stipulate the decision for said reimbursement. Said, reimbursements shall be subject to the corporation's official reimbursement plan in force at the time of the transaction. A simple majority shall constitute a quorum sufficient to conduct business. Special and/or emergency meetings may be called as needed by the Chairperson and/or a majority of the Directors.
- Section 7.* The work of the Board of Directors shall be led by three officers who shall serve one-year terms.
- A. The chairperson shall preside over the Board of Directors and conduct the business of the corporation. The chairperson shall be named by a majority of the Board of Directors.

- B. The vice chairperson shall preside in the absence of the chairperson or otherwise at the discretion of the chairperson. The vice chairperson shall be named by a majority of the Board of Directors.
- C. The treasurer of the Alabama Historical Commission shall be secretary/treasurer of the Board. The secretary/treasurer shall have custody of all money, securities and other property real or personal of the Foundation. The secretary/treasurer shall make an annual report to the Board providing complete information on all accounts and property and shall cause a complete and full audit of the Foundation's accounts and property each year. The secretary/treasurer shall appoint an assistant treasurer from the management staff of the AHC who shall not be a member of the Board.
- D. No officer shall hold any other concurrent office in the Corporation.

Section 8. The Corporation shall indemnify its directors, officers and employees as follows:

- A. Every director, officer or employee of the Corporation shall be indemnified by the Corporation against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed on him in connection with any proceeding to which he may be made a party, or in which he may become involved, by reason of being or having been a director, officer, employee, or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee, or agent, whether or not he is a director, officer, employee or agent at the time such expenses are incurred.
- B. The Corporation shall provide to any person who is or was a director, officer, employee, or agent of the Corporation, or is or was serving at the request of

the Corporation as a director, officer, employee, or agent of the Corporation, the indemnity against expenses of suit, litigation, or other proceedings that is specifically permissible under applicable law.

- C. Indemnity provided shall apply only when the Board of Directors approves such settlement and reimbursement as being for the best interests of the Corporation. Indemnity shall not be provided in cases when it is adjudged that the director, officer, or employee is found guilty of willful misfeasance or malfeasance in the performance of his duties.
- D. The Board of Directors may, at its discretion, direct the purchase of liability insurance by way of implementing the provisions of Article V, section 6.

ARTICLE VI

COMMITTEES

Section 1. Executive Committee. The day-to-day operations of the Corporation shall be conducted by the Executive Committee. Members of the Committee shall serve one-year terms and may serve more than one term. The committee shall be free to conduct the business of the Corporation and make whatever decisions are necessary between meetings of the Board of Directors provided that such actions are consistent with the budget, goals, and plans set forth by the Board of Directors. The Executive Committee shall be comprised of the Chairman, the Vice Chairman, the Treasurer, the Chairman of the Nominating Committee and such other members as may be appointed by the Chairman, one of whom shall be a member of the Alabama Historical Commission. The Executive Committee

shall monitor all activities of the Corporation, and shall call special meetings of the Board of Directors whenever the situation calls for decisions beyond the scope of the goals and guidelines established by the Board.

Section 2. Finance Committee. The finance committee shall consist of three members. The treasurer shall be chair and the Board chairperson shall appoint the remainder. The finance committee shall prepare an annual budget and amendments to same as may be necessary for recommendation to the Board. The committee shall formulate and recommend an investment policy to the Executive Committee and is specifically authorized to choose and hire investment counsel.

Section 3. Nominating Committee. The nominating committee shall consist of three members; the chairman shall be the Chairman of the Alabama Historical Commission and the remaining members chosen by the Board, one of whom shall be members of the AHC. The nominating committee will select and present a slate of officers for election at the annual meeting. The nominating committee shall also nominate members to the Board. Such nominations may be made at any time.

ARTICLE VII

FINANCES

Section 1. Fiscal Year

The fiscal year shall be from October 1 through September 30.

Section 2. Financial Reports

The Treasurer shall submit a financial Report at each Board of Directors meeting including an annual report at the end of the fiscal year.

Section 3. Financial Institutions

The financial matters of the Foundation shall be transacted with such financial institutions, as the Executive Committee shall decide. All payments shall be made by check. Checks of \$10,000 or less may be executed by the Executive Secretary or the Assistant Treasurer. Checks in excess of \$10,000 must be countersigned by a member of the executive committee.

Section 4. Financial Records

The Finance Committee shall cause proper books of account to be kept for the time limit prescribed by the Internal Revenue Service. The records shall contain full and true statements of the financial transactions of the Foundation including the assets and liabilities and the sums of money received and disbursed by the Foundation with monthly reports available upon request to government and authorities.

Section 5. The Alabama Historical Commission Foundation may cooperate with individuals, other corporations not for profit, foundations, institutions, governments or any political subdivisions thereof, other organizations identifying this corporation by reference in the manner permitted by law in any will, deed, or other written instrument legally operative to transfer title to the corporation by reference in the manner permitted by law in any will, deed, or other written instrument legally operative to transfer title to the corporation, and the gift shall be devoted to the

purposes set forth herein. The Alabama Historical Commission Foundation may hold, manage, pledge, sell, rent, lease, transfer, or in any manner dispose of and deal and trade in real estate, goods, merchandize, tangible and intangible property of and every class and description, wherever the same may be located.

Section 6. Non-Stock Basis

The Alabama Historical Commission Foundation is organized on a non-stock basis.

**ARTICLE VIII
MEETINGS**

Section 1. Annual Meeting

The annual meeting of the Alabama Historical Commission Foundation shall be held in September of each year.

Section 2. Quorum

A quorum for the conduct of business at the annual meeting shall be a majority of those present.

Section 3. Committee Meetings

All Committees are specifically authorized to hold meetings by electronic means and all votes and decisions at such meetings are valid as meetings held in person.

Section 4. Voting

All votes, unless otherwise specified in the bylaws, will be voice votes.

Voting by proxy is prohibited.

Section 5. Parliamentary Authority and Procedure

Roberts Rules of Order (most recent revision) will apply in all meetings of the Alabama Historical Commission Foundation unless they are in conflict with the Articles of Incorporation, these bylaws, or policies set by the Board of Directors.

ARTICLE IX

AMENDMENTS

These Bylaws shall be amended or repealed by the Board of Directors. Proposed amendments or other changes to these Bylaws shall be studied and recommended by the Executive Committee to the Board of Directors for its consideration at a special or at the Annual Meeting.

Historical Comm. Foundation Forms 990 - through 9/30/2005)

Form 990 Department of the Treasury Internal Revenue Service	Return of Organization Exempt From Income Tax Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation) The organization may have to use a copy of this return to satisfy state reporting requirements.	OMB No. 1545-0047 <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 2001 Open to Public Inspection </div>
A For the 2001 calendar year, or tax year period beginning NOV 1, 2001 and ending SEP 30, 2002		
B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input checked="" type="checkbox"/> Initial return <input type="checkbox"/> Final return <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization ALABAMA HISTORICAL COMMISSION FOUNDATION, INC. Number and street (or P.O. box if mail is not delivered to street address) 468 SOUTH PERRY STREET City or town, state or country, and ZIP + 4 MONTGOMERY, AL 36130	D Employer identification number 26-0038441 E Telephone number 334-242-3184 F Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify)
G Web site: N/A		
J Organization type (check only one) <input checked="" type="checkbox"/> 501(c) (3) (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527		
K Check here <input type="checkbox"/> if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.		
L Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 11,000.		
M Check <input type="checkbox"/> if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF).		
Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances		
Revenue	1 Contributions, gifts, grants, and similar amounts received: a Direct public support 1a 11,000. b Indirect public support 1b c Government contributions (grants) 1c d Total (add lines 1a through 1c) (cash \$ 11,000. noncash \$) 1d 11,000.	
Revenue	2 Program service revenue including government fees and contracts (from Part VII, line 93) 2 3 Membership dues and assessments 3 4 Interest on savings and temporary cash investments 4 5 Dividends and interest from securities 5	
Revenue	6 a Gross rents 6a b Less: rental expenses 6b c Net rental income or (loss) (subtract line 6b from line 6a) 6c 7 Other investment income (describe) 7	
Revenue	8 a Gross amount from sale of assets other than inventory (A) Securities (B) Other b Less: cost or other basis and sales expenses 8a c Gain or (loss) (attach schedule) 8b d Net gain or (loss) (combine line 8c, columns (A) and (B)) 8c 8d	
Revenue	9 Special events and activities (attach schedule) a Gross revenue (not including \$ of contributions reported on line 1a) 9a b Less: direct expenses other than fundraising expenses 9b c Net income or (loss) from special events (subtract line 9b from line 9a) 9c	
Revenue	10 a Gross sales of inventory, less returns and allowances 10a b Less: cost of goods sold 10b c Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a) 10c	
Revenue	11 Other revenue (from Part VII, line 103) 11 12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11) 12 11,000.	
Expenses	13 Program services (from line 44, column (B)) 13 14 Management and general (from line 44, column (C)) 14 15 Fundraising (from line 44, column (D)) 15 16 Payments to affiliates (attach schedule) 16 17 Total expenses (add lines 13 and 14, column (A)) 17 0.	
Net Assets	18 Excess or (deficit) for the year (subtract line 17 from line 12) 18 11,000. 19 Net assets or fund balances at beginning of year (from line 73, column (A)) 19 0. 20 Other changes in net assets or fund balances (attach explanation) 20 0. 21 Net assets or fund balances at end of year (combine lines 18, 19, and 20) 21 11,000.	

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 2

Part II Statement of
Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22	Grants and allocations (attach schedule)				
	cash \$ noncash \$	22			
23	Specific assistance to individuals (attach schedule)	23			
24	Benefits paid to or for members (attach schedule)	24			
25	Compensation of officers, directors, etc.	25	0.	0.	0.
26	Other salaries and wages	26			
27	Pension plan contributions	27			
28	Other employee benefits	28			
29	Payroll taxes	29			
30	Professional fundraising fees	30			
31	Accounting fees	31			
32	Legal fees	32			
33	Supplies	33			
34	Telephone	34			
35	Postage and shipping	35			
36	Occupancy	36			
37	Equipment rental and maintenance	37			
38	Printing and publications	38			
39	Travel	39			
40	Conferences, conventions, and meetings	40			
41	Interest	41			
42	Depreciation, depletion, etc. (attach schedule)	42			
43	Other expenses not covered above (itemize):				
a	.....	43a			
b	.....	43b			
c	.....	43c			
d	.....	43d			
e	.....	43e			
44	Total functional expenses (add lines 22 through 43). Organizations completing columns (B)-(D), carry these totals to lines 13-15.	44	0.	0.	0.

Joint Costs. Check ☐ if you are following SOP 98-2.Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$; (ii) the amount allocated to Program services \$;

(iii) the amount allocated to Management and general \$; and (iv) the amount allocated to Fundraising \$

Part III Statement of Program Service AccomplishmentsWhat is the organization's primary exempt purpose? **SEE STATEMENT 1**

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service
Expenses
(Required for 501(c)(3) and
(4) orgs., and 4947(a)(1)
trusts; but optional for others.)

a	..... ..... ..... (Grants and allocations \$)
b	..... ..... ..... (Grants and allocations \$)
c	..... ..... ..... (Grants and allocations \$)
d	..... ..... ..... (Grants and allocations \$)
e	Other program services (attach schedule) (Grants and allocations \$)
f	Total of Program Service Expenses (should equal line 44, column (B), Program services) 0.

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Part IV Balance Sheets

Note: Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year	(B) End of year	
Assets	45 Cash - non-interest-bearing	45	11,000.	
	46 Savings and temporary cash investments	46		
	47 a Accounts receivable	47a		
	b Less: allowance for doubtful accounts	47b	47c	
	48 a Pledges receivable	48a		
	b Less: allowance for doubtful accounts	48b	48c	
	49 Grants receivable	49		
	50 Receivables from officers, directors, trustees, and key employees	50		
	51 a Other notes and loans receivable	51a		
	b Less: allowance for doubtful accounts	51b	51c	
	52 Inventories for sale or use	52		
	53 Prepaid expenses and deferred charges	53		
	54 Investments - securities	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	54	
	55 a Investments - land, buildings, and equipment: basis	55a		
b Less: accumulated depreciation	55b	55c		
56 Investments - other	56			
57 a Land, buildings, and equipment: basis	57a			
b Less: accumulated depreciation	57b	57c		
58 Other assets (describe	58			
59 Total assets (add lines 45 through 58) (must equal line 74)	0.	59	11,000.	
Liabilities	60 Accounts payable and accrued expenses	60		
	61 Grants payable	61		
	62 Deferred revenue	62		
	63 Loans from officers, directors, trustees, and key employees	63		
	64 a Tax-exempt bond liabilities	64a		
	b Mortgages and other notes payable	64b		
65 Other liabilities (describe	65			
66 Total liabilities (add lines 60 through 65)	0.	66	0.	
Net Assets or Fund Balances	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.			
	67 Unrestricted	67	11,000.	
	68 Temporarily restricted	68		
	69 Permanently restricted	69		
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.			
	70 Capital stock, trust principal, or current funds	70		
	71 Paid-in or capital surplus, or land, building, and equipment fund	71		
	72 Retained earnings, endowment, accumulated income, or other funds	72		
	73 Total net assets or fund balances (add lines 67 through 69 OR lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)	0.	73	11,000.
	74 Total liabilities and net assets / fund balances (add lines 66 and 73)	0.	74	11,000.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

Form 990 (2001)

Page 4

Part IV-B	Reconciliation of Expenses per Audited Financial Statements With Expenses per Return
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[illegible]

Form 990 (2001)

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 5

Part VI Other Information

		Yes	No
76	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
77	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.		X
78 a	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?		X
b	If "Yes," has it filed a tax return on Form 990-T for this year? N/A		
79	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement		X
80 a	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?		X
b	If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt.		
81 a	Enter direct or indirect political expenditures. See line 81 instructions	81a	0
b	Did the organization file Form 1120-POL for this year?	81b	X
82 a	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	82a	X
b	If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)	82b	
83 a	Did the organization comply with the public inspection requirements for returns and exemption applications?	83a	X
b	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	83b	X
84 a	Did the organization solicit any contributions or gifts that were not tax deductible?	84a	X
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	84b	
85	501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members?	85a	
b	Did the organization make only in-house lobbying expenditures of \$2,000 or less? If "Yes," was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.	85b	
c	Dues, assessments, and similar amounts from members	85c	N/A
d	Section 162(e) lobbying and political expenditures	85d	N/A
e	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e	N/A
f	Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f	N/A
g	Does the organization elect to pay the section 6033(e) tax on the amount in 85f?	85g	
h	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	85h	
86	501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12	86a	N/A
b	Gross receipts, included on line 12, for public use of club facilities	86b	N/A
87	501(c)(12) organizations. Enter: a Gross income from members or shareholders	87a	N/A
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	87b	N/A
88	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	88	X
89 a	501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 <input type="checkbox"/> 0 ; section 4912 <input type="checkbox"/> 0 ; section 4955 <input type="checkbox"/> 0 .		
b	501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	89b	X
c	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		0
d	Enter: Amount of tax on line 89c, above, reimbursed by the organization		0
90 a	List the states with which a copy of this return is filed	NONE	
b	Number of employees employed in the pay period that includes March 12, 2001	90b	0

91 The books are in care of LEE WARNERTelephone no. 334-242-3184Located at 468 SOUTH PERRY STREET, MONTGOMERY, ALZIP + 4 36130-090092 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here ☐

and enter the amount of tax-exempt interest received or accrued during the tax year

92

N/A

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**Part VII Analysis of Income-Producing Activities** (See Specific Instructions on page 32.)

Note: Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
93 Program service revenue:					
a					
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments					
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a					
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		0.	0.
105 Total (add line 104, columns (B), (D), and (E))					0.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See Specific Instructions on page 32.)

Line No. Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See Specific Instructions on page 33.)

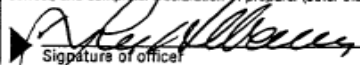
(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See Specific Instructions on page 33.)

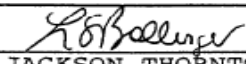
- (a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No
- (b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here:  Date: 10 Feb 03

Type or print name and title: Lee H. Warner, Jr. Sec.

Paid Preparer's Use Only: Preparer's signature:  Date: 2/5/03

Firm's name (or yours if self-employed), address, and ZIP + 4: JACKSON THORNTON & CO., P.C.
P. O. BOX 96
MONTGOMERY, AL 36101-0096

Check if self-employed: ☐ Preparer's SSN or PTIN: P00187613

EIN:
Phone no.:

Name of organization
**ALABAMA HISTORICAL COMMISSION
 FOUNDATION, INC.**

Employer identification number

26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	FENNELL MAULDIN LEIGHTON, AL	\$ 10,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	MS. CAROLINE TAYLOR DECATUR, AL	\$ 1,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung
benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2002Open to Public
Inspection**A** For the 2002 calendar year, or tax year period beginning **OCT 1, 2002** and ending **SEP 30, 2003****B** Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Final return
☐ Amended return
☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization
**ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

Number and street (or P.O. box if mail is not delivered to street address)

P O BOX 4036

City or town, state or country, and ZIP + 4

MONTGOMERY, AL 36103**D** Employer identification number**26-0038441****E** Telephone number**334-242-3184****F** Accounting method: ☒ Cash ☐ Accrual

Other (specify) ▶

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and **I** are not applicable to section 527 organizations.**H(a)** Is this a group return for affiliates? ☐ Yes ☒ No**H(b)** If "Yes," enter number of affiliates ▶**H(c)** Are all affiliates included? **N/A** ☐ Yes ☐ No
(If "No," attach a list.)**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Enter 4-digit GEN ▶**M** Check ☐ if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF).**G** Web site: **N/A****J** Organization type (check only one) ☒ 501(c) (3) (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.**L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶**255,492.****Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

1 Contributions, gifts, grants, and similar amounts received:			
a Direct public support	1a	255,492.	
b Indirect public support	1b		
c Government contributions (grants)	1c		
d Total (add lines 1a through 1c) (cash \$ 255,492. noncash \$)	1d	255,492.	
2 Program service revenue including government fees and contracts (from Part VII, line 93)	2		
3 Membership dues and assessments	3		
4 Interest on savings and temporary cash investments	4		
5 Dividends and interest from securities	5		
6 a Gross rents	6a		
b Less: rental expenses	6b		
c Net rental income or (loss) (subtract line 6b from line 6a)	6c		
7 Other investment income (describe ▶)	7		
8 a Gross amount from sale of assets other than inventory	(A) Securities 8a	(B) Other 8b	
b Less: cost or other basis and sales expenses	8c		
d Net gain or (loss) (combine line 8c, columns (A) and (B))	8d		
9 Special events and activities (attach schedule)			
a Gross revenue (not including \$ of contributions reported on line 1a)	9a		
b Less: direct expenses other than fundraising expenses	9b		
c Net income or (loss) from special events (subtract line 9b from line 9a)	9c		
10 a Gross sales of inventory, less returns and allowances	10a		
b Less: cost of goods sold	10b		
c Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	10c		
11 Other revenue (from Part VII, line 103)	11		
12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	12	255,492.	
13 Program services (from line 44, column (B))	13	56,780.	
14 Management and general (from line 44, column (C))	14	16,307.	
15 Fundraising (from line 44, column (D))	15	8,695.	
16 Payments to affiliates (attach schedule)	16		
17 Total expenses (add lines 13 and 14, column (A))	17	81,782.	
18 Excess or (deficit) for the year (subtract line 17 from line 12)	18	173,710.	
19 Net assets or fund balances at beginning of year (from line 73, column (A))	19	11,000.	
20 Other changes in net assets or fund balances (attach explanation)	20	0.	
21 Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21	184,710.	

223001
01-22-03

LHA For Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2002)

**ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

26-0038441

Part II Statement of Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Page 2

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule)				
cash \$ noncash \$	22			
23 Specific assistance to individuals (attach schedule)	23			
24 Benefits paid to or for members (attach schedule)	24			
25 Compensation of officers, directors, etc.	25	0.	0.	0.
26 Other salaries and wages	26			
27 Pension plan contributions	27			
28 Other employee benefits	28			
29 Payroll taxes	29			
30 Professional fundraising fees	30	3,757.		3,757.
31 Accounting fees	31	200.	200.	
32 Legal fees	32			
33 Supplies	33	411.	205.	206.
34 Telephone	34			
35 Postage and shipping	35	68.	68.	
36 Occupancy	36	500.	250.	250.
37 Equipment rental and maintenance	37	543.	543.	
38 Printing and publications	38			
39 Travel	39			
40 Conferences, conventions, and meetings	40	1,391.	695.	696.
41 Interest	41			
42 Depreciation, depletion, etc. (attach schedule)	42	158.	79.	79.
43 Other expenses not covered above (itemize):				
a	43a			
b	43b			
c	43c			
d	43d			
e SEE STATEMENT 1	43e	74,754.	55,630.	14,265.
44 Total functional expenses (add lines 22 through 43). Organizations completing columns (B)-(D), carry these totals to lines 13-15	44	81,782.	56,780.	16,307.

Joint Costs. Check ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$; (ii) the amount allocated to Program services \$;

(iii) the amount allocated to Management and general \$; and (iv) the amount allocated to Fundraising \$

Part III Statement of Program Service Accomplishments

What is the organization's primary exempt purpose? **SEE STATEMENT 2**

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses
(Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)

a PROMOTE INTEREST, KNOWLEDGE & APPRECIATION OF ALABAMA HISTORY THROUGH PROGRAMS SPONSORED BY ALABAMA HISTORICAL COMMISSION	
(Grants and allocations \$)	10,868.
b FUNDING PROJECTS OF THE ALABAMA HISTORICAL COMMISSION	
(Grants and allocations \$)	45,912.
c	
(Grants and allocations \$)	
d	
(Grants and allocations \$)	
e Other program services (attach schedule)	(Grants and allocations \$)
f Total of Program Service Expenses (should equal line 44, column (B), Program services)	56,780.

223011
01-22-03

Form 990 (2002)

Part IV Balance Sheets

Note: Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year
Assets	45 Cash - non-interest-bearing	11,000.	45	181,325.
	46 Savings and temporary cash investments		46	
	47 a Accounts receivable	47a		
	b Less: allowance for doubtful accounts	47b	47c	
	48 a Pledges receivable	48a		
	b Less: allowance for doubtful accounts	48b	48c	
	49 Grants receivable		49	
	50 Receivables from officers, directors, trustees, and key employees		50	
	51 a Other notes and loans receivable	51a		
	b Less: allowance for doubtful accounts	51b	51c	
	52 Inventories for sale or use		52	
	53 Prepaid expenses and deferred charges		53	
	54 Investments - securities	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	54	
	55 a Investments - land, buildings, and equipment: basis	55a		
b Less: accumulated depreciation	55b	55c		
56 Investments - other		56		
57 a Land, buildings, and equipment: basis	57a	3,543.		
b Less: accumulated depreciation	57b	158.	57c	3,385.
58 Other assets (describe ▶			58	
59 Total assets (add lines 45 through 58) (must equal line 74)	11,000.	59	184,710.	
Liabilities	60 Accounts payable and accrued expenses		60	
	61 Grants payable		61	
	62 Deferred revenue		62	
	63 Loans from officers, directors, trustees, and key employees		63	
	64 a Tax-exempt bond liabilities		64a	
	b Mortgages and other notes payable		64b	
65 Other liabilities (describe ▶		65		
66 Total liabilities (add lines 60 through 65)	0.	66	0.	
Net Assets or Fund Balances	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.			
	67 Unrestricted		67	88,427.
	68 Temporarily restricted	11,000.	68	96,283.
	69 Permanently restricted		69	
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.			
	70 Capital stock, trust principal, or current funds		70	
	71 Paid-in or capital surplus, or land, building, and equipment fund		71	
	72 Retained earnings, endowment, accumulated income, or other funds		72	
	73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)	11,000.	73	184,710.
	74 Total liabilities and net assets / fund balances (add lines 66 and 73)	11,000.	74	184,710.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

Part IV-A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return

a	Total revenue, gains, and other support per audited financial statements	315,814.
b	Amounts included on line a but not on line 12, Form 990:	
(1)	Net unrealized gains on investments	\$
(2)	Donated services and use of facilities	\$ 800.
(3)	Recoveries of prior year grants	\$
(4)	Other (specify): STMT 3	\$ 59,522.
	Add amounts on lines (1) through (4)	b 60,322.
c	Line a minus line b	255,492.
d	Amounts included on line 12, Form 990 but not on line a:	
(1)	Investment expenses not included on line 6b, Form 990	\$
(2)	Other (specify):	\$
	Add amounts on lines (1) and (2)	d 0.
e	Total revenue per line 12, Form 990 (line c plus line d)	255,492.

Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return

a	Total expenses and losses per audited financial statements	152,832.
b	Amounts included on line a but not on line 17, Form 990:	
(1)	Donated services and use of facilities	\$ 800.
(2)	Prior year adjustments reported on line 20, Form 990	\$
(3)	Losses reported on line 20, Form 990	\$
(4)	Other (specify): STMT 4	\$ 70,250.
	Add amounts on lines (1) through (4)	b 71,050.
c	Line a minus line b	81,782.
d	Amounts included on line 17, Form 990 but not on line a:	
(1)	Investment expenses not included on line 6b, Form 990	\$
(2)	Other (specify):	\$
	Add amounts on lines (1) and (2)	d 0.
e	Total expenses per line 17, Form 990 (line c plus line d)	81,782.

Part V List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated.)				
(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans & deferred compensation	(E) Expense account and other allowances
DR. MIKE MAHAN	BOARD MEMBER, CHAIRMAN			
BRIERFILED, AL	MINIMAL	0.	0.	0.
MRS. JANICE HAWKINS	BOARD MEMBER			
TROY, AL	MINIMAL	0.	0.	0.
WILLIAM DRINKARD	BOARD MEMBER			
CULLMAN, AL	MINIMAL	0.	0.	0.
KIPPY TATE	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
HON. BOBBY JUNKINS	BOARD MEMBER, TREASURER			
GADSDEN, AL	MINIMAL	0.	0.	0.
NICK COBBS	BOARD MEMBER			
GREENSBORO, AL	MINIMAL	0.	0.	0.
DR. CRAIG SHELDON	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
DR. LEE H. WARNER	EXECUTIVE SECRETARY			
MONTGOMERY, AL	MINIMAL	0.	0.	0.

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than \$100,000 from your organization and all related organizations, of which more than \$10,000 was provided by the related organizations? If "Yes," attach schedule. ☐ Yes ☒ No Form 990 (2002)

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 5

Part VI Other Information

	Yes	No
76 Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
77 Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes. Attachment #1	X	
78 a Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?		X
b If "Yes," has it filed a tax return on Form 990-T for this year? N/A		
79 Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement		X
80 a Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?		X
b If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt.		
81 a Enter direct or indirect political expenditures. See line 81 instructions 81a 0.		
b Did the organization file Form 1120-POL for this year?		X
82 a Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	X	
b If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.) 82b 800.		
83 a Did the organization comply with the public inspection requirements for returns and exemption applications?	X	
b Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	X	
84 a Did the organization solicit any contributions or gifts that were not tax deductible?		X
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? N/A		
85 501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members? N/A		
b Did the organization make only in-house lobbying expenditures of \$2,000 or less? N/A		
If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.		
c Dues, assessments, and similar amounts from members 85c N/A		
d Section 162(e) lobbying and political expenditures 85d N/A		
e Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices 85e N/A		
f Taxable amount of lobbying and political expenditures (line 85d less 85e) 85f N/A		
g Does the organization elect to pay the section 6033(e) tax on the amount on line 85f? N/A		
h If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? N/A		
86 501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12 86a N/A		
b Gross receipts, included on line 12, for public use of club facilities 86b N/A		
87 501(c)(12) organizations. Enter: a Gross income from members or shareholders 87a N/A		
b Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.) 87b N/A		
88 At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX		X
89 a 501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 0 ; section 4912 0 ; section 4955 0 .		
b 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction		X
c Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 0 .		
d Enter: Amount of tax on line 89c, above, reimbursed by the organization 0 .		
90 a List the states with which a copy of this return is filed NONE		
b Number of employees employed in the pay period that includes March 12, 2002 90b 0		
91 The books are in care of LEE WARNER Telephone no. 334-242-3184		
Located at 468 SOUTH PERRY STREET, MONTGOMERY, AL ZIP + 4 36130-0900		
92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year 92 N/A		

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 6

Part VII Analysis of Income-Producing Activities (See page 31 of the instructions.)

Note: Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
93 Program service revenue:					
a					
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments					
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a					
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		0.	0.
105 Total (add line 104, columns (B), (D), and (E))					0.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 32 of the instructions.)

Line No. Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 32 of the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 33 of the instructions.)

- (a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No
- (b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Please Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.	
	Signature of officer	Date
Paid Preparer's Use Only	Preparer's signature	Type or print name and title
	Firm's name (or yours if self-employed), address, and ZIP + 4	Date
223181 01-22-03	JACKSON THORNTON & CO., P.C. P. O. BOX 96 MONTGOMERY, AL 36101-0096	Check if self-employed <input type="checkbox"/> Preparer's SSN or PTIN P00187613 EIN Phone no.

Form 990 (2002)

Name of organization
**ALABAMA HISTORICAL COMMISSION
 FOUNDATION, INC.**

Employer identification number
26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	BAKER FOUNDATION	\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	PALMER BEDSOLE FOUNDATION	\$ 25,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
3	CHRISTIAN TESTING LAB	\$ 12,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
4	MAGNOLIA MANOR, LLC	\$ 5,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
5	BALDWIN COUNTY COMMISSION	\$ 10,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
6	GULF COAST CONVENTION	\$ 10,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Name of organization
ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

Employer identification number

26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	CHEMICAL LIME COMPANY 	\$ 10,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8	BARRETT SHELTON 	\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
9	RIVERFRONT FOUNDATION 	\$ 135,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
10	BALDWIN COUNTY RENTAL, LLC 	\$ 5,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	 	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
	 	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

ALABAMA HISTORICAL COMMISSION FOUNDATION

26-0038441

FORM 990 OTHER EXPENSES STATEMENT 1

DESCRIPTION	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT AND GENERAL	(D) FUNDRAISING
ADVERTISING	1,701.		1,701.	
ARCHAEOLOGICAL EXPENSE	40,000.	40,000.		
AWARDS & GIFTS	830.		830.	
DUES & PUBLICATIONS	2,000.		2,000.	
FORT MORGAN EXPENSE	1,707.	1,707.		
OTHER EXPENSE	16.		16.	
PROFESSIONAL CONSULTING	24,295.	9,718.	9,718.	4,859.
AHC PROJECTS	4,205.	4,205.		
TOTAL TO FM 990, LN 43	74,754.	55,630.	14,265.	4,859.

FORM 990 STATEMENT OF ORGANIZATION'S PRIMARY EXEMPT PURPOSE STATEMENT 2
PART III

EXPLANATION

PROVIDE FINANCIAL & PROGRAM SUPPORT FOR THE ALABAMA HISTORICAL COMMISSION

FORM 990 OTHER REVENUE NOT INCLUDED ON FORM 990 STATEMENT 3

DESCRIPTION	AMOUNT
ACCRUAL BASIS INCOME	59,522.
TOTAL TO FORM 990, PART IV-A	59,522.

FORM 990 OTHER EXPENSES NOT INCLUDED ON FORM 990 STATEMENT 4

DESCRIPTION	AMOUNT
ACCRUAL BASIS EXPENSES	70,250.
TOTAL TO FORM 990, PART IV-B	70,250.

STATEMENT(S) 1, 2, 3, 4

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung
benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2003Open to Public
Inspection**A** For the 2003 calendar year, or tax year beginning **OCT 1, 2003** and ending **SEP 30, 2004****B** Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Final return
☐ Amended return
☐ Application pending

Please use IRS label or print or type. See Specific instructions.

C Name of organization
**ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

Number and street (or P.O. box if mail is not delivered to street address)

468 SOUTH PERRY STREET

City or town, state or country, and ZIP + 4

MONTGOMERY, AL 36130

Room/suite

D Employer identification number**26-0038441****E** Telephone number**334-242-3184****F** Accounting method: ☒ Cash ☐ Accrual☐ Other (specify) ▶

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations.

H(a) Is this a group return for affiliates? ☐ Yes ☒ No**H(b)** If "Yes," enter number of affiliates ▶**H(c)** Are all affiliates included? **N/A** ☐ Yes ☐ No

(If "No," attach a list.)

H(d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Group Exemption Number ▶**M** Check ☐ if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF).**G** Website: **N/A****J** Organization type (check only) ☒ 501(c) (**3**) ☐ 527 (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. **Some states require a complete return.****L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ **153,666.****Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

1 Contributions, gifts, grants, and similar amounts received:				
a Direct public support	1a	153,333.		
b Indirect public support	1b			
c Government contributions (grants)	1c			
d Total (add lines 1a through 1c) (cash \$ 153,333. noncash \$)			1d	153,333.
2 Program service revenue including government fees and contracts (from Part VII, line 93)			2	
3 Membership dues and assessments			3	
4 Interest on savings and temporary cash investments			4	333.
5 Dividends and interest from securities			5	
6 a Gross rents	6a			
b Less: rental expenses	6b			
c Net rental income or (loss) (subtract line 6b from line 6a)			6c	
7 Other investment income (describe ▶)			7	
8 a Gross amount from sales of assets other than inventory	(A) Securities	(B) Other		
	8a			
b Less: cost or other basis and sales expenses	8b			
c Gain or (loss) (attach schedule)	8c			
d Net gain or (loss) (combine line 8c, columns (A) and (B))			8d	
9 Special events and activities (attach schedule). If any amount is from gaming, check here <input type="checkbox"/>				
a Gross revenue (not including \$ of contributions reported on line 1a)	9a			
b Less: direct expenses other than fundraising expenses	9b			
c Net income or (loss) from special events (subtract line 9b from line 9a)			9c	
10 a Gross sales of inventory, less returns and allowances	10a			
b Less: cost of goods sold	10b			
c Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)			10c	
11 Other revenue (from Part VII, line 103)			11	
12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)			12	153,666.
13 Program services (from line 44, column (B))			13	213,495.
14 Management and general (from line 44, column (C))			14	9,703.
15 Fundraising (from line 44, column (D))			15	24,474.
16 Payments to affiliates (attach schedule)			16	
17 Total expenses (add lines 16 and 44, column (A))			17	247,672.
18 Excess or (deficit) for the year (subtract line 17 from line 12)			18	<94,006.>
19 Net assets or fund balances at beginning of year (from line 73, column (A))			19	184,710.
20 Other changes in net assets or fund balances (attach explanation)			20	0.
21 Net assets or fund balances at end of year (combine lines 18, 19, and 20)			21	90,704.

323001
12-17-03

LHA For Paperwork Reduction Act Notice, see the separate instructions.

Form **990** (2003)

**ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

26-0038441

Part II Statement of Functional Expenses All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others. Page 2

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22	Grants and allocations (attach schedule)				
	cash \$ noncash \$				
23	Specific assistance to individuals (attach schedule)				
24	Benefits paid to or for members (attach schedule)				
25	Compensation of officers, directors, etc.	0.	0.	0.	0.
26	Other salaries and wages				
27	Pension plan contributions				
28	Other employee benefits				
29	Payroll taxes				
30	Professional fundraising fees	24,036.			24,036.
31	Accounting fees	3,318.		3,318.	
32	Legal fees				
33	Supplies	28.		28.	
34	Telephone				
35	Postage and shipping	86.		86.	
36	Occupancy	1,181.	1,181.		
37	Equipment rental and maintenance	281.		281.	
38	Printing and publications	9,416.	8,854.	562.	
39	Travel	5,503.	2,752.	2,751.	
40	Conferences, conventions, and meetings	1,260.	630.	630.	
41	Interest				
42	Depreciation, depletion, etc. (attach schedule)	876.		438.	438.
43	Other expenses not covered above (itemize):				
a					
b					
c					
d					
e	SEE STATEMENT 1				
44	Total functional expenses (add lines 22 through 43). Organizations completing columns (B)-(D) carry these totals to lines 13-15.	247,672.	213,495.	9,703.	24,474.

Joint Costs. Check ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$ _____; (ii) the amount allocated to Program services \$ _____;

(iii) the amount allocated to Management and general \$ _____; and (iv) the amount allocated to Fundraising \$ _____.

Part III Statement of Program Service Accomplishments

What is the organization's primary exempt purpose? **SEE STATEMENT 2**

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

		Program Service Expenses (Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)
a	PROMOTE INTEREST, KNOWLEDGE & APPRECIATION OF ALABAMA HISTORY THROUGH PROGRAMS SPONSORED BY ALABAMA HISTORICAL COMMISSION	
	(Grants and allocations \$)	20,065.
b	FUNDING PROJECTS OF THE ALABAMA HISTORICAL COMMISSION	
	(Grants and allocations \$)	193,430.
c		
	(Grants and allocations \$)	
d		
	(Grants and allocations \$)	
e	Other program services (attach schedule)	(Grants and allocations \$)
f	Total of Program Service Expenses (should equal line 44, column (B), Program services)	213,495.

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12-17-03

Form 990 (2003)

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 3

Part IV Balance Sheets**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year
Assets	45 Cash - non-interest-bearing	181,325.	45	15,797.
	46 Savings and temporary cash investments		46	70,333.
	47 a Accounts receivable	47a		
	b Less: allowance for doubtful accounts	47b	47c	
	48 a Pledges receivable	48a		
	b Less: allowance for doubtful accounts	48b	48c	
	49 Grants receivable		49	
	50 Receivables from officers, directors, trustees, and key employees		50	
	51 a Other notes and loans receivable	51a		
	b Less: allowance for doubtful accounts	51b	51c	
	52 Inventories for sale or use		52	
	53 Prepaid expenses and deferred charges		53	
	54 Investments - securities	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	54	
	55 a Investments - land, buildings, and equipment: basis	55a		
	b Less: accumulated depreciation	55b	55c	
56 Investments - other		56		
57 a Land, buildings, and equipment: basis	57a	5,608.		
b Less: accumulated depreciation	57b	1,034.		
58 Other assets (describe		3,385.	57c	4,574.
59 Total assets (add lines 45 through 58) (must equal line 74)		184,710.	59	90,704.
Liabilities	60 Accounts payable and accrued expenses		60	
	61 Grants payable		61	
	62 Deferred revenue		62	
	63 Loans from officers, directors, trustees, and key employees		63	
	64 a Tax-exempt bond liabilities		64a	
	b Mortgages and other notes payable		64b	
65 Other liabilities (describe		65		
66 Total liabilities (add lines 60 through 65)		0.	66	0.
Net Assets or Fund Balances	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.			
	67 Unrestricted	88,427.	67	<13,843.>
	68 Temporarily restricted	96,283.	68	104,547.
	69 Permanently restricted		69	
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.			
	70 Capital stock, trust principal, or current funds		70	
	71 Paid-in or capital surplus, or land, building, and equipment fund		71	
	72 Retained earnings, endowment, accumulated income, or other funds		72	
	73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)	184,710.	73	90,704.
	74 Total liabilities and net assets / fund balances (add lines 66 and 73)	184,710.	74	90,704.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

Form 990 (2003)

Part IV-A	Reconciliation of Revenue per Audited Financial Statements with Revenue per Return
------------------	---

a	Total revenue, gains, and other support per audited financial statements	a	115,137.
b	Amounts included on line a but not on line 12, Form 990:		
(1)	Net unrealized gains on investments \$		
(2)	Donated services and use of facilities ... \$ 600.		
(3)	Recoveries of prior year grants \$		
(4)	Other (specify): \$		
	Add amounts on lines (1) through (4)	b	600.
c	Line a minus line b	c	114,537.
d	Amounts included on line 12, Form 990 but not on line a :		
(1)	Investment expenses not included on line 6b, Form 990 ... \$		
(2)	Other (specify): STMT 3 \$ 39,129.		
	Add amounts on lines (1) and (2)	d	39,129.
e	Total revenue per line 12, Form 990 (line c plus line d)	e	153,666.

a Total expenses and losses per audited financial statements	a 233,706.
b Amounts included on line a but not on line 17, Form 990:	
(1) Donated services and use of facilities ... \$ 600.	
(2) Prior year adjustments reported on line 20, Form 990 ... \$	
(3) Losses reported on line 20, Form 990 ... \$	
(4) Other (specify): \$	
Add amounts on lines (1) through (4) ...	b 600.
c Line a minus line b ...	c 233,106.
d Amounts included on line 17, Form 990 but not on line a :	
(1) Investment expenses not included on line 6b, Form 990 ... \$	
(2) Other (specify):	
STMT 4 \$ 14,566.	
Add amounts on lines (1) and (2) ...	d 14,566.
e Total expenses per line 17, Form 990 (line c plus line d) ...	e 247,672.

[illegible]

323031 12-17-03

Form 990 (2003)

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 5

Part VI Other Information

	Yes	No
76 Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
77 Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.		X
78 a Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?		X
b If "Yes," has it filed a tax return on Form 990-T for this year?		N/A
79 Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement		X
80 a Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?		X
b If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt.		
81 a Enter direct or indirect political expenditures. See line 81 instructions	81a	0.
b Did the organization file Form 1120-POL for this year?	81b	X
82 a Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	82a	X
b If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)	82b	600.
83 a Did the organization comply with the public inspection requirements for returns and exemption applications?	83a	X
b Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	83b	X
84 a Did the organization solicit any contributions or gifts that were not tax deductible?	84a	X
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	84b	N/A
85 501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members?	85a	N/A
b Did the organization make only in-house lobbying expenditures of \$2,000 or less? If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.	85b	N/A
c Dues, assessments, and similar amounts from members	85c	N/A
d Section 162(e) lobbying and political expenditures	85d	N/A
e Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e	N/A
f Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f	N/A
g Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?	85g	N/A
h If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	85h	N/A
86 501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12	86a	N/A
b Gross receipts, included on line 12, for public use of club facilities	86b	N/A
87 501(c)(12) organizations. Enter: a Gross income from members or shareholders	87a	N/A
b Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	87b	N/A
88 At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	88	X
89 a 501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 <input type="checkbox"/> 0.; section 4912 <input type="checkbox"/> 0.; section 4955 <input type="checkbox"/> 0.		
b 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	89b	X
c Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		0.
d Enter: Amount of tax on line 89c, above, reimbursed by the organization		0.
90 a List the states with which a copy of this return is filed <input type="checkbox"/> NONE	90a	0
b Number of employees employed in the pay period that includes March 12, 2003	90b	0
91 The books are in care of <input type="checkbox"/> CLARA HUDSON Telephone no. <input type="checkbox"/> 334-242-3184		
Located at <input type="checkbox"/> MONTGOMERY, AL ZIP + 4 <input type="checkbox"/> 36130-0900		
92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year	92	N/A

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

990 (2003)

26-0038441 Page 6

Part VII Analysis of Income-Producing Activities (See page 33 of the instructions.)

Note: Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
g3 Program service revenue:					
a					
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments			14	333.	
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a					
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		333.	0.
105 Total (add line 104, columns (B), (D), and (E))					333.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 34 of the instructions.)

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
▼	

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 34 of the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

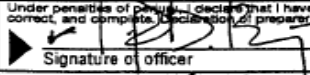
Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 34 of the instructions.)

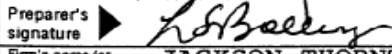
(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here:  Date: 5/17/05 Type or print name and title: Daniel D. Bennett, Treasurer

Paid Preparer's Use Only: Preparer's signature:  Date: 04/27/05 Check if self-employed: ☐ Preparer's SSN or PTIN:
Firm's name (or yours if self-employed), address, and ZIP + 4: JACKSON THORNTON & CO., P.C.
P. O. BOX 96
MONTGOMERY, AL 36101-0096 EIN:
Phone no.:
323161 12-17-03

Form 990 (2003)

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Organization Exempt Under Section 501(c)(3)

(Except Private Foundation) and Section 501(e), 501(f), 501(k),
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information—(See separate instructions.)

▶ MUST be completed by the above organizations and attached to their Form 990 or 990-EZ

OMB No. 1545-0047

2003

Name of the organization **ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

Employer identification number
26: 0038441

Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees
(See page 1 of the instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
<u>NONE</u>				
Total number of other employees paid over \$50,000		0		

Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services
(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
<u>NONE</u>		
Total number of others receiving over \$50,000 for professional services		0

Name of organization
**ALABAMA HISTORICAL COMMISSION
 FOUNDATION, INC.**

Employer identification number

26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
<u>1</u>	<u>BAKER FOUNDATION</u> 	\$ <u>20,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
<u>2</u>	<u>BARRETT SHELTON</u> 	\$ <u>20,042.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
<u>3</u>	<u>GULF COAST CONVENTION</u> 	\$ <u>10,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
<u>4</u>	<u>WHEELER FOUNDATION</u> 	\$ <u>14,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
<u>5</u>	<u>DEWAYNE MORRIS</u> 	\$ <u>5,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
<u>6</u>	<u>DONIE NEAL MARTIN</u> 	\$ <u>5,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Name of organization
**ALABAMA HISTORICAL COMMISSION
 FOUNDATION, INC.**

Employer identification number

26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	NORFOLK SOUTHERN RAILWAY	\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8	FRIENDS OF GAINESWOOD	\$ 50,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

FORM 990	OTHER EXPENSES			STATEMENT 1
DESCRIPTION	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT AND GENERAL	(D) FUNDRAISING
ADVERTISING	1,149.	1,000.	149.	
GENERAL EXPENSE	20.		20.	
AWARDS & GIFTS	244.	244.		
FORT MORGAN EXPENSE	24,201.	24,201.		
OTHER EXPENSE	35.		35.	
PROFESSIONAL CONSULTING	1,000.	1,000.		
AHC PROJECTS	68,163.	68,163.		
BRIERFIELD TRAMWAY EXPENSE	5,000.	5,000.		
HUNTSVILLE DEPOT EXPENSE	18,000.	18,000.		
ENDANGERED PROPERTY EXPENSE	500.	500.		
ST. LUKES EXPENSE	3,750.	3,750.		
POND SPRING EXPENSE	22,352.	22,352.		
ASSISTANCE TO AHC	51,464.	51,464.		
MOVING EXPENSE	3,000.	3,000.		
MEALS AND ENTERTAINMENT	2,809.	1,404.	1,405.	
TOTAL TO FM 990, LN 43	201,687.	200,078.	1,609.	

FORM 990	STATEMENT OF ORGANIZATION'S PRIMARY EXEMPT PURPOSE PART III	STATEMENT 2
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EXPLANATION

PROVIDE FINANCIAL & PROGRAM SUPPORT FOR THE ALABAMA HISTORICAL COMMISSION

FORM 990	OTHER REVENUE INCLUDED ON FORM 990	STATEMENT 3
DESCRIPTION		AMOUNT
ACCRUAL BASIS INCOME		39,129.
TOTAL TO FORM 990, PART IV-A		39,129.

STATEMENT(S) 1, 2, 3

FORM 990	OTHER EXPENSES INCLUDED ON FORM 990	STATEMENT	4
DESCRIPTION		AMOUNT	
ACCRUAL BASIS EXPENSES		14,566.	
TOTAL TO FORM 990, PART IV-B		14,566.	

FORM 990	PART V - LIST OF OFFICERS, DIRECTORS, TRUSTEES AND KEY EMPLOYEES	STATEMENT	5
----------	---	-----------	---

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN- SATION	EMPLOYEE BEN PLAN CONTRIB	EXPENSE ACCOUNT
JAMES ADAMS TUSCALOOSA, AL	BOARD MEMBER MINIMAL	0.	0.	0.
MRS. JANICE HAWKINS TROY, AL	BOARD MEMBER MINIMAL	0.	0.	0.
WILLIAM DRINKARD CULLMAN, AL	CHAIRMAN MINIMAL	0.	0.	0.
KIPPY TATE MONTGOMERY, AL	BOARD MEMBER MINIMAL	0.	0.	0.
HON. BOBBY JUNKINS GADSDEN, AL	TREASURER MINIMAL	0.	0.	0.
NICK COBBS GREENSBORO, AL	BOARD MEMBER MINIMAL	0.	0.	0.
DR. LEE H. WARNER MONTGOMERY, AL	FORMER EXEC. SECRETARY MINIMAL	0.	0.	0.
DR. MIKE MAHAN BRIERFIELD, AL	PAST CHAIRMAN MINIMAL	0.	0.	0.

STATEMENT(S) 4, 5

ALABAMA HISTORICAL COMMISSION FOUNDATION		26-0038441	
DR. ED BRIDGES	INTERIM EXEC. SECRETARY		
MONTGOMERY, AL	MINIMAL	0.	0. 0.
DR. CRAIG SHELTON	BOARD MEMBER		
MONTGOMERY, AL	MINIMAL	0.	0. 0.
CLARA HUDSON	FOUNDATION ADMINISTRATOR		
MONTGOMERY, AL	MINIMAL	0.	0. 0.
TOTALS INCLUDED ON FORM 990, PART V		0.	0. 0.

STATEMENT(S) 5

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2004

Open to Public Inspection

A For the 2004 calendar year, or tax year beginning **OCT 1, 2004** and ending **SEP 30, 2005****B** Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Final return
☐ Amended return
☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization
ALABAMA HISTORICAL COMMISSION FOUNDATION, INC.

Number and street (or P.O. box if mail is not delivered to street address)

468 SOUTH PERRY STREET

City or town, state or country, and ZIP + 4

MONTGOMERY, AL 36130

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

D Employer identification number**26-0038441****E** Telephone number**334-242-3184****F** Accounting method: ☒ Cash ☐ Accrual
☐ Other (specify) ▶

Hand I are not applicable to section 527 organizations.

H(a) Is this a group return for affiliates? ☐ Yes ☒ No**H(b)** If "Yes," enter number of affiliates ▶**H(c)** Are all affiliates included? **N/A** ☐ Yes ☐ No**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Group Exemption Number ▶**G** Website: **N/A****J** Organization type (check only one) ☒ 501(c) (3) (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. **Some states require a complete return.****M** Check ☐ if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF).**L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ **16,400.****Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

Revenue	1	Contributions, gifts, grants, and similar amounts received:			
	a	Direct public support	1a	15,996.	
	b	Indirect public support	1b		
	c	Government contributions (grants)	1c		
	d	Total (add lines 1a through 1c) (cash \$ 15,996. noncash \$)	1d	15,996.	
	2	Program service revenue including government fees and contracts (from Part VII, line 93)		2	
	3	Membership dues and assessments		3	
	4	Interest on savings and temporary cash investments		4	404.
	5	Dividends and interest from securities		5	
	6	Gross rents		6a	
	a	Less: rental expenses	6b		
	c	Net rental income or (loss) (subtract line 6b from line 6a)		6c	
7	Other investment income (describe ▶)		7		
Revenue	8	Gross amount from sales of assets other than inventory		(A) Securities	(B) Other
	a	Less: cost or other basis and sales expenses	8a		
	c	Gain or (loss) (attach schedule)		8c	
	d	Net gain or (loss) (combine line 8c, columns (A) and (B))		8d	
	9	Special events and activities (attach schedule). If any amount is from gaming, check here <input type="checkbox"/>			
	a	Gross revenue (not including \$ of contributions reported on line 1a)	9a		
	b	Less: direct expenses other than fundraising expenses	9b		
	c	Net income or (loss) from special events (subtract line 9b from line 9a)		9c	
	10	Gross sales of inventory, less returns and allowances		10a	
	b	Less: cost of goods sold	10b		
Expenses	c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)		10c	
	11	Other revenue (from Part VII, line 103)		11	
	12	Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)		12	16,400.
	13	Program services (from line 44, column (B))		13	60,860.
	14	Management and general (from line 44, column (C))		14	5,541.
	15	Fundraising (from line 44, column (D))		15	575.
	16	Payments to affiliates (attach schedule)		16	
	17	Total expenses (add lines 16 and 44, column (A))		17	66,976.
	18	Excess or (deficit) for the year (subtract line 17 from line 12)		18	<50,576.>
	Net Assets	19	Net assets or fund balances at beginning of year (from line 73, column (A))		19	90,704.
20		Other changes in net assets or fund balances (attach explanation)		20	0.
21		Net assets or fund balances at end of year (combine lines 18, 19, and 20)		21	40,128.

423001
01-13-05

LHA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2004)

**ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**

26-0038441

Part II Statement of Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Page 2

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22	Grants and allocations (attach schedule)				
	(cash \$ _____ noncash \$ _____)				
23	Specific assistance to individuals (attach schedule)				
24	Benefits paid to or for members (attach schedule)				
25	Compensation of officers, directors, etc.	0.	0.	0.	0.
26	Other salaries and wages				
27	Pension plan contributions				
28	Other employee benefits				
29	Payroll taxes				
30	Professional fundraising fees				
31	Accounting fees	4,250.		4,250.	
32	Legal fees				
33	Supplies				
34	Telephone				
35	Postage and shipping				
36	Occupancy				
37	Equipment rental and maintenance				
38	Printing and publications				
39	Travel	1,091.	546.	545.	
40	Conferences, conventions, and meetings	31.	15.	16.	
41	Interest				
42	Depreciation, depletion, etc. (attach schedule)	1,151.		576.	575.
43	Other expenses not covered above (itemize):				
a	FORT MORGAN EXPENSE	5,978.	5,978.		
b	BRIERFIELD TRAMWAY				
c	EXPENSE	18,900.	18,900.		
d	POND SPRING EXPENSE	35,421.	35,421.		
e	OTHER EXPENSE	154.		154.	
44	Total functional expenses (add lines 22 through 43). Organizations completing columns (B)-(D), carry these totals to lines 13-15.	66,976.	60,860.	5,541.	575.

Joint Costs. Check ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No
If "Yes," enter (i) the aggregate amount of those joint costs \$ _____; (ii) the amount allocated to Program services \$ _____; (iii) the amount allocated to Management and general \$ _____; and (iv) the amount allocated to Fundraising \$ _____.

Part III Statement of Program Service Accomplishments

What is the organization's primary exempt purpose? **SEE STATEMENT 1**

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses
(Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts, but optional for others.)

a	PROMOTE INTEREST, KNOWLEDGE & APPRECIATION OF ALABAMA HISTORY THROUGH PROGRAMS SPONSORED BY ALABAMA HISTORICAL COMMISSION	561.
	(Grants and allocations \$ _____)	
b	FUNDING PROJECTS OF THE ALABAMA HISTORICAL COMMISSION	60,299.
	(Grants and allocations \$ _____)	
c		
	(Grants and allocations \$ _____)	
d		
	(Grants and allocations \$ _____)	
e	Total program services (attach schedule)	60,860.

f Total of Program Service Expenses (should equal line 44, column (B), Program services)

423011
01-13-05

Form 990 (2004)

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.**Part IV** Balance Sheets

Note: Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year	
Assets	45 Cash - non-interest-bearing	15,797.	45	25,968.	
	46 Savings and temporary cash investments	70,333.	46	10,737.	
	47 a Accounts receivable	47a			
	b Less: allowance for doubtful accounts	47b	47c		
	48 a Pledges receivable	48a			
	b Less: allowance for doubtful accounts	48b	48c		
	49 Grants receivable		49		
	50 Receivables from officers, directors, trustees, and key employees		50		
	51 a Other notes and loans receivable	51a			
	b Less: allowance for doubtful accounts	51b	51c		
	52 Inventories for sale or use		52		
	53 Prepaid expenses and deferred charges		53		
	54 Investments - securities	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	54		
	55 a Investments - land, buildings, and equipment: basis	55a			
	b Less: accumulated depreciation	55b	55c		
56 Investments - other		56			
57 a Land, buildings, and equipment: basis	57a	5,608.			
b Less: accumulated depreciation	57b	2,185.	4,574.	57c	3,423.
58 Other assets (describe			58		
59 Total assets (add lines 45 through 58) (must equal line 74)		90,704.	59	40,128.	
Liabilities	60 Accounts payable and accrued expenses		60		
	61 Grants payable		61		
	62 Deferred revenue		62		
	63 Loans from officers, directors, trustees, and key employees		63		
	64 a Tax-exempt bond liabilities		64a		
	b Mortgages and other notes payable		64b		
	65 Other liabilities (describe		65		
66 Total liabilities (add lines 60 through 65)		0.	66	0.	
Net Assets or Fund Balances	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.				
	67 Unrestricted	<13,843.>	67	<15,183.>	
	68 Temporarily restricted	104,547.	68	55,311.	
	69 Permanently restricted		69		
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.				
	70 Capital stock, trust principal, or current funds		70		
	71 Paid-in or capital surplus, or land, building, and equipment fund		71		
	72 Retained earnings, endowment, accumulated income, or other funds		72		
	73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)	90,704.	73	40,128.	
	74 Total liabilities and net assets / fund balances (add lines 66 and 73)	90,704.	74	40,128.	

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Page 5

Part VI Other Information		Yes	No
76	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
77	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.		X
78 a	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?		X
b	If "Yes," has it filed a tax return on Form 990-T for this year? N/A		
79	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement		X
80 a	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?		X
b	If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt.		
81 a	Enter direct or indirect political expenditures. See line 81 instructions	81a	0.
b	Did the organization file Form 1120-POL for this year?	81b	X
82 a	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	82a	X
b	If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part III. (See instructions in Part III.)	82b	N/A
83 a	Did the organization comply with the public inspection requirements for returns and exemption applications?	83a	X
b	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	83b	X
84 a	Did the organization solicit any contributions or gifts that were not tax deductible?	84a	X
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	84b	N/A
85	501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members? N/A	85a	N/A
b	Did the organization make only in-house lobbying expenditures of \$2,000 or less? N/A	85b	N/A
	If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.		
c	Dues, assessments, and similar amounts from members	85c	N/A
d	Section 162(e) lobbying and political expenditures	85d	N/A
e	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e	N/A
f	Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f	N/A
g	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?	85g	N/A
h	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	85h	N/A
86	501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12	86a	N/A
b	Gross receipts, included on line 12, for public use of club facilities	86b	N/A
87	501(c)(12) organizations. Enter: a Gross income from members or shareholders	87a	N/A
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	87b	N/A
88	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	88	X
89 a	501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 0.; section 4912 0.; section 4955 0.		
b	501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	89b	X
c	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		0.
d	Enter: Amount of tax on line 89c, above, reimbursed by the organization		0.
90 a	List the states with which a copy of this return is filed	90a	NONE
b	Number of employees employed in the pay period that includes March 12, 2004	90b	0
91	The books are in care of LISA JONES Telephone no. 334-242-3184		
Located at 468 SOUTH PERRY STREET, MONTGOMERY, AL ZIP + 4 36130-0900			
92	Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here and enter the amount of tax-exempt interest received or accrued during the tax year	92	N/A

ALABAMA HISTORICAL COMMISSION
FOUNDATION, INC.

26-0038441

Part VII Analysis of Income-Producing Activities (See page 33 of the instructions.)

Note: Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
93 Program service revenue:					
a					
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings and temporary cash investments			14	404.	
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a					
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		404.	0.
105 Total (add line 104, columns (B), (D), and (E))					404.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 34 of the instructions.)

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
▼	

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 34 of the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 34 of the instructions.)

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here: Signature of officer _____ Date _____ Type or print name and title. _____

Paid Preparer's Use Only: Preparer's signature: LUCINDA S. BOLLINGER Date: 04/28/06 Check if self-employed: ☐ Preparer's SSN or PTIN: _____
Firm's name (or yours if self-employed), address, and ZIP + 4: JACKSON THORNTON & CO., P.C.
P. O. BOX 96
MONTGOMERY, AL 36101-0096 EIN: _____
Phone no.: _____

Name of organization
**ALABAMA HISTORICAL COMMISSION
 FOUNDATION, INC.**

Employer identification number

26-0038441

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	AL GULF COAST CONVENTION & VISITORS	\$ 10,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
			Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

FORM 990 STATEMENT OF ORGANIZATION'S PRIMARY EXEMPT PURPOSE STATEMENT 1

PART III

EXPLANATION

PROVIDE FINANCIAL & PROGRAM SUPPORT FOR THE ALABAMA HISTORICAL COMMISSION

FORM 990 PART V - LIST OF OFFICERS, DIRECTORS, STATEMENT 2

TRUSTEES AND KEY EMPLOYEES

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN- SATION	EMPLOYEE BEN PLAN CONTRIB	EXPENSE ACCOUNT
ELIZABETH BROWN MONTGOMERY, AL	INTERIM EXEC DIRECTOR MINIMAL	0.	0.	0.
WILLIAM DRINKARD CULLMAN, AL	CHAIR MINIMAL	0.	0.	0.
LEE SENTELL MONTGOMERY, AL	VICE CHAIR MINIMAL	0.	0.	0.
DANIEL BENNETT AUBURN, AL	TREASURER MINIMAL	0.	0.	0.
JANICE HAWKINS TROY, AL	BOARD MEMBER MINIMAL	0.	0.	0.
KIPPY TATE MONTGOMERY, AL	BOARD MEMBER MINIMAL	0.	0.	0.
HON. BOBBY JUNKINS MONTGOMERY, AL	BOARD MEMBER MINIMAL	0.	0.	0.
HON. LUCY BAXLEY MONTGOMERY, AL	BOARD MEMBER MINIMAL	0.	0.	0.

STATEMENT(S) 1, 2

ALABAMA HISTORICAL COMMISSION FOUNDATION		26-0038441		
NICHOLAS COBBS, JR	BOARD MEMBER			
GREESBORO, AL	MINIMAL	0.	0.	0.
J DANNY COOPER	BOARD MEMBER			
MONTEVALLO, AL	MINIMAL	0.	0.	0.
HON. SETH HAMMETT	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
JEFF JAKEMAN	BOARD MEMBER			
AUBURN, AL	MINIMAL	0.	0.	0.
BARNETT LAWLEY	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
STEPHEN MARTIN	BOARD MEMBER			
MONTGOMERY, AL	0	0.	0.	0.
EDWIN BRIDGES	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
VIVIAN PAUL	BOARD MEMBER			
GROVE HILL, AL	MINIMAL	0.	0.	0.
HON. BOB RILEY	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
ANN PETRY	BOARD MEMBER			
LAGRANGE, GA	MINIMAL	0.	0.	0.
DR. CRAIG SHELDON	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
GUY SPENCER	BOARD MEMBER			
MONTGOMERY, AL	MINIMAL	0.	0.	0.
GERI MOULTON	BOARD MEMBER			
MOBILE, AL	MINIMAL	0.	0.	0.
TOTALS INCLUDED ON FORM 990, PART V		0.	0.	0.

STATEMENT(S) 2

Mitigation Settlement Documents (payment to Foundation)

12/03/2003 15:40 FAX 400 499 2200

EVABANK CHEROKEE

+ MORRIS

061



Federal Deposit Insurance Corporation
10 Tenth Street, NE, Suite 800
Atlanta, Georgia 30309-3906

Atlanta Regional Office
Division of Supervision and
Consumer Protection
(678) 916-2200

Russell Marshall

December 3, 2003

Mr. Dewayne N. Morris
Chairman and Chief Executive Officer
EvaBank
4113 Eva Road
Eva, Alabama 35621

Dear Mr. Morris:

Your application to establish a branch office at 2915 Clairmont Avenue, Eva, Morgan County, Alabama, received in this office on November 18, 2003, is acknowledged. The application is deemed approved on December 10, 2003, unless you are informed in writing that the application has been removed from expedited processing in the interim.

The approval is subject to the following conditions:

Until the branch is established, the Corporation has the right to alter, suspend, or withdraw its commitment should any interim development be deemed to warrant such action.

All necessary and final approvals be obtained from the State authority.

In granting this approval, the Corporation is placing significant reliance upon the bank to obtain the State Historic Preservation Officer's clearance prior to the opening of the branch.

Please advise this office of the exact date the branch is placed in operation. Approval of this application expires 18 months after December 10, 2003, unless a request for an extension has been approved.

If you have any questions, please contact Case Manager Michael D. Loewe of my office at (678) 916-2311.

Sincerely,

Mark S. Schmidt

Mark S. Schmidt
Regional Director

205 733-9860

Dewayne Morris

From: "Alison Glascock" <glascock@zebra.net>
To: "Dewayne Morris" <morrisdn@bellsouth.net>
Cc: "Victor Blackledge" <vblackl@ci.birmingham.al.us>; "Elizabeth Brown" <Ebrown@preserveala.org>
Sent: Friday, December 05, 2003 11:34 AM
Subject: Re: 2915 Clairmont Avenue

Yes, there are a couple of reasons why it cannot yet be demolished, apart from anything we might still want. I am trying to ascertain today if we are done with the house and will let you know. But in any event, you need to contact Victor Blackledge, the city's historic preservation officer, before you can proceed. You will not be able to get a demolition permit from the City until you have been cleared by him, and I think you will find you won't get clearance from him until you have had your subdivision hearing (which I think is on December 17th) and until you have been cleared by the FDIC and the Alabama Historical Commission.

Since the two houses in question are/were eligible for the National Register, they are subject to a Section 106 review under the National Historic Preservation Act. You are already in violation of this process by tearing down one of the houses without permission so I hope you will now cooperate with this process so that it can be speedily concluded.

Mr. Blackledge - 254-2499 - is expecting a call from you.

Feel free to call me if you need to.
Alison

----- Original Message -----

From: Dewayne Morris
To: Alison Glascock
Sent: Friday, December 05, 2003 8:36 AM
Subject: 2915 Clairmont Avenue

I went by the house this morning and looked inside. All of the flooring has been removed from the upstairs living room and bedroom. I think that is all the flooring that your people wanted to get. Most doors and windows have been removed. The entire house has been stripped. All utility meters have been removed.

Is there any reason why we should delay demolition further?

Dewayne N. Morris
2131 3rd Avenue No.
Birmingham, AL 35203
Direct Phone: (205) 716-3106
Toll Free Phone: (800) 466-3885
Direct Fax: (205) 716-3108

12/21/2003

LAW OFFICES

MORRIS & LAVETTE

A PROFESSIONAL CORPORATION

DEWAYNE N. MORRIS
JOHN R. (JACK) LAVETTE

2131 THIRD AVENUE NORTH
P.O. BOX 11412
BIRMINGHAM, ALABAMA 35202-1412

TELEPHONE (205) 254-3885
FAX (205) 716-3108
e-mail: mandlpc@bellsouth.net

December 10, 2003

Ms. Elizabeth Ann Brown
Deputy State Historic
Preservation officer
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900

Re: AHC 04-0177, Construct and Operate Branch Bank
Jefferson County, Alabama
2915 Clairmont Avenue, Birmingham, AL 35205

Dear Ms. Brown:

The property in question is still owned by Jo T. Morris and Dewayne N. Morris. All actions we have taken have been our own individual actions and decisions as the owners of the property, and, contrary to your statements, we have never acted as a Federal agency or the agent or delegate of any Federal agency. Although the property may or may not have been eligible for the National Register of Historic Places, during our 31 years of ownership no one has ever suggested it to us, and we decided to demolish the buildings prior to EvaBank informing you of their desire to construct an EvaBank branch on it. We have never had any desire or intention to place the property on any historic register, and we do not intend or desire to do so, now or in the future.

The application initially completed, faxed and mailed to you by EvaBank clearly stated on it that the houses were under contract for demolition. My wife and I contracted to demolish the houses as the owners and in our individual capacities. We did not act in any capacity for EvaBank, much less for any Federal agency. There is not even a written contract to sell the property to EvaBank. If it is approved for an EvaBank branch, it will be offered to EvaBank for a price yet to be determined.

Ms. Elizabeth Ann Brown
December 10, 2003
Page Two

USCA Title 16 §470a(b)(6) (which codified Public Law 106 to which you have referred), provides in part as follows:

"If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn."

While the Alabama Code allows the Alabama Historical Commission to use eminent domain to take a property for historical purposes, that has not been done.

As previously pointed out to you, the property is located next to a Chevron Service Station that stays open 24 hours a day, and on the same block as a "half-way house" and three apartment complexes that I would designate as "low rent" properties. These properties apparently were deliberately left out of the National Register when a large area further south of our property was included.

You should consider our request for a branch bank in light of the fact that the demolition contract was in place when the application was submitted by EvaBank. The only reason the second house was not demolished when the first house was demolished is that a tenant that occupied one of the three apartments in the 2915 building had not vacated the apartment.

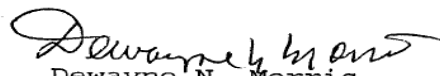
As previously advised, the remaining house has been stripped, including removal of the flooring on both the first and second floors, doors, complete windows, fire place mantels, inside tongue and groove walls, and almost everything else that you can think of that would be of value. The house is "wide open", and with the doors, windows and flooring removed, it is in a dangerous condition, and we have no liability insurance. The remaining structure remains under contract to be demolished.

Ms. Elizabeth Ann Brown
December 10, 2003
Page Three

Jo and I would have preferred to save the house by giving it to someone to remove. The Neighborhood Association was allowed several weeks to attempt to come up with some method of relocating one of the houses. Donald Simpson, of KPS Architects, advised them that, in his opinion, the house could not be moved in one piece. Donald Simpson further advised, after making an inspection of the property, that there was no way that the house could be used as a branch bank because of its location on the lot. The lot, with the house on it, was not suitable for a drive-in window, an ATM machine, or off-street parking. Jo and I did not proceed with demolition without considerable thought and consultation. We sincerely request that you withdraw your objections to it being used as a branch for EvaBank.

Jo and I have always and do now object to the inclusion or designation of the properties on the National Historic Register. Therefore, I believe it only appropriate that you provide clearance for EvaBank to use the property for a branch.

Sincerely yours,


Dewayne N. Morris

DNM/fg

December 12, 2003



LEE H. WARNER
Executive Director

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242•3184
fax 334 240•3477

Mr. Dewayne Morris
P.O. Box 11412
Birmingham, Alabama 35202-1412

Re: AHC 04-0177

Dear Mr. Morris:

Highlighting some sections of the regulations I sent with my last letter:

Section 800.1 (a), purposes if the Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties.

I am assuming that some federal agency (presumably the FDIC) is asking for a clearance letter from the State Historic Preservation Office as part of an application process for your branch bank. This means that they consider the establishment of the bank an undertaking under Section 106. In asking for this clearance letter, they are asking you to consult with our office. The goal of this consultation is to "identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties." Section 800.1 (c).

Reading further through the regulations, Section 800.3 calls out the level of identification efforts and the potential to cause effects, the application of the Secretary's Standards and Guidelines for Identification, and the evaluation of significance. As I pointed out in my letter, you did coordinate with local governments and neighborhood groups and consider some alternatives to demolition, although not at the level that we would have required through consultation. You also had no formal examination of the property to determine eligibility. It is the threshold of **eligibility** for, not **listing** on, the National Register of Historic Places (NRHP) that applies to Section 106(Section 800.4(c) (2)).

USCA Title 16, 470a (b) (6) quoted in your letter of December 10 apply to the method that persons may object to listing to the NRHP. The Alabama Historical Commission is not proposing to list the properties in question on the National Register, but for the purposes of Section 106 we made the determination that the properties were eligible. We fully respect your desire not to list the properties in question, but since you desire to establish a branch bank on the property, which is a federal undertaking, you have

Morris...page 2

entered into a different domain. In this situation, our opinions and that of the federal agency involved about the eligibility of the properties for the NRHP are important under federal regulations, and you had a responsibility to complete consultation before you allowed the properties to be damaged or destroyed.

It would be a violation of our responsibilities under Section 106 to write a clearance letter under circumstances such as this. We continue to hold that the properties were eligible for the National Register of Historic Places for the purposes of Section 106. We have worked with many banks through the Section 106 process, and through the process several historic buildings, including two houses, have been rehabilitated for bank use. I am sorry that these opportunities are foreclosed in your case. We welcome the opportunity to meet with you to discuss how to mitigate this unfortunate series of events and clear your project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth Ann Brown", with a horizontal line extending to the right.

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

cc: Mr. John Fowler, Advisory Council on Historic Preservation
Director of Supervision, FDIC
Mr. Victor Blackledge



Federal Deposit Insurance Corporation
10 Tenth Street, NE, Suite 800
Atlanta, Georgia 30309-3906

Atlanta Regional Office
Division of Supervision and
Consumer Protection
(678) 916-2200

*Received
12-22-03*

December 18, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Board of Directors
EvaBank
4113 Eva Road
Eva, Alabama 35621

*Dewayne
Have we received final
approval from FDIC?
Nita*

Dear Members of the Board:

On December 3, 2003, this office approved your application to establish a branch office at 2915 Clairmont Avenue, Birmingham, Jefferson County, Alabama, with an approval date of December 10, 2003. In granting this approval, the Corporation placed significant reliance upon the bank to obtain the State Historic Preservation Officer's clearance prior to opening the branch.

This office was contacted by the Alabama State Historical Commission regarding this matter on December 17, 2003, and provided copies of correspondence between their office and Chairman of the Board Dewayne Morris. There appears to be an impasse in the bank obtaining satisfactory clearance to open this branch. You should not proceed in opening this branch, and you are urged to immediately contact the Alabama State Historical Commission regarding specific mitigation required by that office for you to obtain clearance.



Signed evidence of an agreement among the bank, the Alabama State Historical Commission, and any other parties required should be sent to this office for review and approval before further action is initiated in opening the branch. You should notify this office in writing within five days of receipt of this letter regarding your intentions to resolve this matter.

Questions may be directed to Case Manager Russell Marshall at (678) 916-2204.

Sincerely,

Mark S. Schmidt

Mark S. Schmidt
Regional Director

CC: Ms. Elizabeth Brown
Deputy State Historic Preservation Officer
Alabama Historical Commission

preserveALABAMA

ALABAMA HISTORICAL COMMISSION

February 2, 2004

Myra



LEE H. WARNER
Executive Director

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242-3184
fax 334 240-3477

Mr. Dwayne Morris
Morris & Lavette
2131 Third Avenue North
P.O. Box 11412
Birmingham, Alabama 35202-1412

AHC 04-0177. Construct and operate a branch bank, Jefferson County, AL

Dear Mr. Morris:

Thank you very much for your most recent letter, and for talking with Bill Little at the Attorney General's Office on the telephone. We want to reach an agreement with you on mitigation so that we may write a clearance letter for your project.

Mitigation is a plan to make up for the loss or damage to historic resources. Even though the Clairmont Avenue houses are destroyed, you must still mitigate this loss in order for us to clear the project. Some of the documentation we would have requested, like a site plan drawing, black and white photographs of the house, and archaeology, is impossible because of the demolition. Still, a reasonable record can be accomplished on these structures and the people who lived there, which would include:

- Copies of photographs of the houses that were taken recently and historic photographs available from old Board of Adjustment.
- Written descriptions and research on the houses and the occupants can be drawn from standard historical references.

This research should be done to the highest professional level by a person who meets the Secretary of Interior's Standards for History or Architectural History. I am enclosing a list of consultants for your reference; several are in your immediate area.

Archaeological mitigation is more difficult to determine since clearing the site

Morris...page 2



with heavy equipment destroyed archaeological integrity, and whether the amount of archaeology would have been small or great is impossible to know. In similar cases, contributions have been made to preservation projects to mitigate the loss. For example, a few years ago another bank built two branches in Mobile without getting clearance letters, and they made a financial contribution to an archaeological project in a downtown historic district. Basing the amount of a contribution on similar cases and the cost of archaeology for the two lots, this would be \$10,000. We will be happy to discuss potential projects with you.

I look forward to an agreement with you on mitigation so that this project can be cleared. Please call me if I may be of any assistance.

Truly yours,

A handwritten signature in black ink, which appears to read "Elizabeth Ann Brown", is written over a horizontal line.

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

Dewayne Morris

From: "Dewayne Morris" <morrisdn@bellsouth.net>
To: <Ebrown@preserveala.org>
Cc: <vblackl@ci.birmingham.al.us>
Sent: Friday, February 06, 2004 8:49 AM
Subject: Fw: 2915 Clairmont Avenue, Birmingham, Proposed EvaBank branch

The word should be representative not reprehensive. Sorry.

Dewayne

----- Original Message -----

From: Dewayne Morris
To: Ebrown@preserveala.org
Cc: vblackl@ci.birmingham.al.us
Sent: Friday, February 06, 2004 8:40 AM
Subject: 2915 Clairmont Avenue, Birmingham, Proposed EvaBank branch

We are at a standstill. You know my position from our previous correspondence. But I would like to do whatever it takes to get project bank on track.

Mr. Blackledge says that we may be able to but something in the lobby or foyer reprehensive of the buildings, which we had already planned to do. We saved the leaded glass windows taken from the 2915 house. We would also put in pictures of the old house(s). There is to be an entrance foyer where they could be placed or we'll put them wherever you say.

I'll call you later to discuss these possibilities.

Dewayne N. Morris
2131 3rd Avenue No.
Birmingham, AL 35203
Direct Phone: (205) 716-3106
Toll Free Phone: (800) 466-3885
Direct Fax: (205) 716-3108

2/6/2004

LAW OFFICES

MORRIS & LAVETTE

A PROFESSIONAL CORPORATION

DEWAYNE N. MORRIS
JOHN R. (JACK) LAVETTE

2131 THIRD AVENUE NORTH
P.O. BOX 11412
BIRMINGHAM, ALABAMA 35202-1412

TELEPHONE (205) 254-3885
FAX (205) 716-3108
e-mail: mandlpc@bellsouth.net

February 19, 2004

Ms. Elizabeth Ann Brown
Deputy State Historic
Preservation officer
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900

Re: 2915 and 2921 Clairmont Avenue
Birmingham, AL 35205

Dear Ms. Brown:

Enclosed are copies of the two checks in the amount of \$5,000.00 each, one payable to Highland Park Neighborhood Association and the other payable to Alabama Historical Commission Foundation.

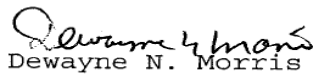
I have personally contracted with Ms. Linda Nelson who has promised to prepare documentation on the two houses that were demolished. When she completes her job, I will pay her as agreed, and she has promised to have it done well before December 31, 2004.

I am sending a copy of this letter, along with the \$5,000.00 check, to each of the contributees mentioned above.

Ms. Elizabeth Ann Brown
Deputy State Historic
Preservation officer
Alabama Historical Commission
February 19, 2004
Page Two

Please write the clearance letter immediately, as promised,
and fax it to me.

Sincerely yours,


Dewayne N. Morris

DNM/fg

Enclosure

cc: Highland Park Neighborhood Assn. (w/enc.)
1033 Lakeview Crescent
Birmingham, AL 35205

Alabama Historical Commission Foundation (w/enc.)
P.O. Box 4306
Montgomery, AL 36103

DEWAYNE N. MORRIS, ATTORNEY
2131 THIRD AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
TELEPHONE 254-3885

6691

AM SOUTH BANK - JOHN A. HAND BRANCH
BIRMINGHAM, ALABAMA

61-1
620

PAY *Chris Howard & NO*

DOLLARS

DATE	CHECK NO.	AMOUNT
2-19-04	6691	5000

TO THE ORDER OF *Wm. Historical Comm Foundation*

DEWAYNE N. MORRIS, ATTORNEY



DeWayne Morris

⑈006691⑈ ⑆062000019⑆ 00⑈5076862⑈

DEWAYNE N. MORRIS, ATTORNEY
2131 THIRD AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
TELEPHONE 254-3885

6690

AM SOUTH BANK - JOHN A. HAND BRANCH
BIRMINGHAM, ALABAMA

61-1
620

PAY *Chris Howard & NO*

DOLLARS

DATE	CHECK NO.	AMOUNT
2-19-04	6690	5000

TO THE ORDER OF *Highland Park Neighborhood Assn*

DEWAYNE N. MORRIS, ATTORNEY



DeWayne Morris

⑈006690⑈ ⑆062000019⑆ 00⑈5076862⑈

FEB-23-2004 14:29 FROM: A H C RSH

334-262-1083

TO: 205 716 3108

P.002/002



February 23, 2001



LEE H. WARNER
Executive Director

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242-3184
fax 334 240-3477

Mr. Dwayne Morris
Morris and Lavette
P.O. Box 11412
Birmingham, Alabama 35202-1412

Re: AHC 04-0177 Location of a branch bank, Clairmont Avenue
City of Birmingham

Dear Mr. Morris:

Thank you very much for your letter of February 19th. We appreciate the actions you have taken to clear the problems with this proposed bank location, and can now find that this construction will have no adverse effect on historic resources.

Your efforts to improve historic preservation in Alabama are sincerely appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Elizabeth Ann Brown", followed by a horizontal line.

Elizabeth Ann Brown
Deputy State Historic Preservation Officer



October 27, 2004

LEE H. WARNER
Executive Director

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242-3184
fax 334 240-3477

Ms. Linda Nelson
Preservation Consultant
FuturePast
4700 Seventh Court South
Birmingham, AL 35222

RE: **AHC 04-0177**

Dear Linda:

I was very pleased to receive the documentation you provided on the Clairmont Avenue houses. Your hard work and diligence in helping to document the buildings is truly appreciated.

I am forwarding the information to Mrs. Lee Anne Wofford, our Survey Coordinator, for inclusion in the Survey files. Please note that the documentation satisfies the mitigation requirements for the above referenced project. I look forward to receiving any additional photos and other information or stories surrounding these wonderful structures.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth Ann Brown".

Elizabeth Ann Brown
Chief of Staff

mjlw

cc: Mr. Dwayne Morris
Sect. 106 File

Dewayne Morris

From: "Brown, Elizabeth" <ebrown@preserveala.org>
To: "Dewayne Morris" <morrisdn@bellsouth.net>
Sent: Wednesday, February 18, 2004 4:20 PM
Subject: RE: 2915 and 2921 Clairmont Avenue, Birmingham

Mr. Morris, I am so sorry. I went to Mobile yesterday afternoon and have just returned. I also realize that you left me a message; I usually leave a message on my phone when I'll be out all day, and I forgot to do so. Then I wouldn't have left you hanging all day.

I talked with Dr. Warner about this on Friday, and he supports my initial recommendation of \$10,000. This is in line with what we have asked from others in similar situations. We would like for the amount to be divided between these groups:

Highland Park Neighborhood Association
 1033 Lakeview Crescent
 Birmingham, Alabama 35205

Alabama Historical Commission Foundation
 P.O. Box 4306
 Montgomery, Alabama 36103

If you will send me copies of the checks and a letter saying that you have contracted with Linda Nelson to prepare documentation of the houses, and will provide the same to our office before December 31, 2004, we will write a clearance letter immediately. Elizabeth

-----Original Message-----

From: Dewayne Morris [mailto:morrisdn@bellsouth.net]
Sent: Tuesday, February 17, 2004 4:04 PM
To: Brown, Elizabeth
Cc: Jo T Morris
Subject: Re: 2915 and 2921 Clairmont Avenue, Birmingham

I know that you are getting more e-mails from me than you desire. Jo and I do want to get our problem solved.

Jo and I would like to come to your office in Montgomery tomorrow to meet with you and Dr. Warner if you are available and if you think that we may make some progress on the clearance of the Birmingham EvaBank branch.

Let me know if you and Dr Warner will to be able to see us. We can get there at your convenience.

Dewayne

----- Original Message -----

From: Brown, Elizabeth
To: 'Dewayne Morris'
Sent: Thursday, February 12, 2004 9:54 AM
Subject: RE: 2915 and 2921 Clairmont Avenue, Birmingham

Mr. Morris, thank you for your message. I appreciate your hiring Linda so promptly--she is the best researcher on the list and will do an excellent job. I need to talk with Dr. Warner about the

2/19/2004

rest of the mitigation, but I am sure that we can come to an agreement soon so that a clearance letter can be written. Elizabeth Brown

-----Original Message-----

From: Dewayne Morris [mailto:morrisdn@bellsouth.net]

Sent: Wednesday, February 11, 2004 11:31 AM

To: Brown, Elizabeth

Subject: 2915 and 2921 Clairmont Avenue, Birmingham

Thanks for your letter of February 2, 2004. I have hired Linda Nelson to do work and gather the information that you suggest. She promised to have it done by the end of next week. I will be paying her, not EvaBank. I have some pictures that I promised her.

As to the suggested contribution, it is Jo and I, as the owners of the houses, who allowed them to be stripped by neighbors and then had the remainder demolished. It is we (Jo and I) who will have to pay the consequences. We have been giving \$6000.00 per year to United Way. I suppose that we could reduce that and put it on whatever you suggest. As you know, but for the application for a bank branch, we had the legal right to demolish the houses. If we had demolished them before making application for a branch bank there, we would have had no problem with the AHC. The houses were demolished before the FDIC approved the EvaBank application for a branch bank. In anticipation that the application would be approved with the requirement that we get clearance from AHC, we sent the application after we let the demolition contract but before the demolition. Of course we are sorry now that we did not delay the FDIC application until after the demolition. We cannot now unring the bell. But we would like to get clearance soon to avoid further delay. Our builder is "on hold" and we need to be able to get him to work. He may take another job ahead of us and delay us even further. I do appreciate the fact that you are willing to work out something to let us go ahead.

Must we wait until Linda Nelson gets the job done to get clearance? Tell me what we must do or promise to get clearance. Please be easy on us. We are just hard working people. Jo (a 70 year old former high school principal) is out at this very moment inspecting vacant apartments in the inner city of Birmingham. We have lots of vacancies. She may get a bank job if we can get the Clairmont Avenue branch built.

Thanks for your help. We need Clearance NOW!

Dewayne N. Morris
2131 3rd Avenue No.
Birmingham, AL 35203
Direct Phone: (205) 716-3106
Toll Free Phone: (800) 466-3885
Direct Fax: (205) 716-3108

2/19/2004

Sites Owned, Managed or Administered by the Commission

Historic properties owned or managed by the commission and used for interpreting Alabama's history to the public include:

- Alabama State Capitol in Montgomery
- Belle Mont – Jeffersonian house in Tuscumbia (not currently staffed; opened by appointment with Pond Spring staff)
- Cahawba Park – Site of former state capitol at Cahaba
- Confederate Memorial Park and Cemetery – Chilton County
- Fendall Hall – Antebellum Italianate house in Eufaula
- Fort Mims – Baldwin County - Site of 1813 Fort Mims Indian battle; (not staffed)
- Dr. Francis Medical Museum – 1800's medical office and apothecary shop in Jacksonville (not staffed; open by appointment with local group)
- Gaineswood – Antebellum Greek Revival mansion in Demopolis
- Old Greyhound Bus Station in Montgomery (not open; currently developing a small exhibit to be viewed from the street)
- Magnolia Grove – Antebellum historic house in Greensboro
- Pond Spring – Home of Confederate General Joe Wheeler in Hillsboro (currently closed; no date provided for expected re-opening)
- Fort Morgan – Mobile Bay fort - 1834
- Fort Toulouse/Fort Jackson – 1700's Reconstruction of French fort in Elmore County

The commission owns or manages an additional thirteen (13) properties.

Four (4) properties are used for Alabama Historical Commission offices or rental office space. These properties are:

- Rice-Semple-Hardt House – Montgomery (used as AHC main office)
- Teague House - Montgomery (used as AHC main office)
- John Tyler Morgan House – Antebellum House – Cahaba (used as Old Cahawba staff office)
- Tardy Cottage - Mobile (rented to Mobile legislative delegation)

Three (3) properties are held for the purposes of protection but are not generally accessible to the public because of their locations. These properties are:

- Bottle Creek Mounds – Indian mounds in Baldwin County.
- Middle Bay Lighthouse – Mobile Bay
- Forks of Cypress – Plantation in the Florence vicinity

Three (3) properties were acquired to support interpretation of existing sites and will be opened as funding becomes available. These properties, and their expected uses, are:

- St. Luke's Church – to be moved to Old Cahawba
- Kelly House – to be moved to Old Cahawba
- Moore Building – to be adapted as visitor center for Montgomery Bus Station

Elizabeth Brown, Interim Director of the Alabama Historical Commission stated a building known as the McHugh House is not currently owned by the Alabama Historical Commission but is expected to be donated for use as an interpretive center at Old Cahawba.

The commission routinely acquires and holds historic places in need of protection and maintains them until appropriate owners can be found. Currently, the Alabama Historical Commission holds three (3) such properties which will ultimately be sold with protective easements to appropriate owners. These properties are:

- Victor Tulane Building – Montgomery
- South Perry Street Apartments - Montgomery
- Bynum House

Cultural Resources Preservation Trust Fund

**ALABAMA CULTURAL RESOURCES TRUST FUND
FUND BALANCES
AS OF 5/31/06**

Balances as of 9/30/05

	Distributable Fund Balance	1,889,310.54	Restricted	6,008,300.99
Less :	Transfers during year	<u>85,000.00</u>		<u></u>
	Balance remaining	1,804,310.54		6,008,300.99
	Total both fund balances	=	7,812,611.53	

Source = Retirement Systems of Alabama

Source = Retirement Systems of Alabama

ALABAMA CULTURAL RESOURCES PRESERVATION TRUST FUND
INVESTMENT INVENTORY
May 31, 2006

	FUND	MAT DATE	COUPON	PAR/SHARES	BOOK VALUE	MARKET VALUE
MONEY MARKET						
SSGA FUNDS				1,607,362.76	1,607,362.76	1,607,362.76
EQUITY						
SPDR TRUST	1566			24,265.00	2,692,713.76	3,094,030.15
US GOVT GUARANTEED						
PETRODRILL FIVE LTD (AMETHYST)	1505	04/15/16	4.3900	20,933.52	20,833.52	19,840.39
U S TREASURY	1505	02/15/15	4.0500	42,300.00	40,405.32	38,725.31
U S TREASURY	1505	08/15/15	4.2500	350,000.00	339,882.81	327,978.19
				412,933.52	401,121.65	386,143.83
US AGENCY						
FEDERAL HOME LOAN BANK	1506	01/09/18	5.5000	10,000.00	10,000.00	9,473.24
FEDERAL HOME LOAN BANK	1506	04/24/13	5.1250	100,000.00	100,000.00	96,135.66
FEDERAL HOME LOAN BANK	1506	12/21/15	5.0000	40,000.00	40,256.80	38,428.89
FEDERAL HOME LOAN MORTGAGE CORP	1506	03/10/10	4.2500	68,000.00	68,000.00	65,240.38
FEDERAL HOME LOAN MORTGAGE CORP	1506	04/15/11	4.2500	51,000.00	51,000.00	48,360.04
FEDERAL HOME LOAN MORTGAGE CORP	1506	09/23/11	4.8500	21,000.00	21,000.00	20,283.71
FEDERAL HOME LOAN MORTGAGE CORP	1506	04/18/11	5.1250	110,000.00	110,112.20	108,727.84
FEDERAL NATIONAL MORTGAGE ASSOC	1506	08/05/13	5.0000	250,000.00	250,000.00	238,455.58
FEDERAL NATIONAL MORTGAGE ASSOC	1506	05/25/11	4.7300	45,000.00	45,000.00	43,522.08
FEDERAL NATIONAL MORTGAGE ASSOC	1506	03/15/16	5.0000	69,000.00	68,944.45	66,483.96
FEDERAL NATIONAL MORTGAGE ASSOC	1506	08/27/07	4.8750	22,000.00	21,892.42	21,857.32
FEDERAL NATIONAL MORTGAGE ASSOC	1506	04/10/13	5.6500	15,000.00	14,832.00	14,878.71
FEDERAL NATIONAL MORTGAGE ASSOC	1506	05/12/16	6.0000	9,000.00	8,977.50	8,919.55
				810,000.00	810,015.37	780,766.96
PRIVATE PLACEMENT						
NAVISTAR (RUDOLFS ENGINE LLC)	1530	01/09/00	40725.0000	146,545.11	146,545.11	147,912.38
UAL PASS THROUGH CERT SER 1992B	1530	01/00/00	42303.0000	1,456,359.60	423,130.72	455,622.10
				1,602,904.71	569,675.83	603,534.48
CMO Type						
SYSTEMS 2001 ASSET TRUST 144A	1539	09/15/13	6.6640	2,476.78	2,579.12	2,577.44
CORPORATES						
ABBOTT LABORATORIES	1540	05/15/09	5.3750	4,000.00	3,990.00	3,984.97
ABBOTT LABORATORIES	1540	05/15/11	5.6000	11,000.00	10,992.85	10,984.01
ALCAN INC	1540	12/15/33	6.1250	14,000.00	14,196.00	13,334.85
AMERICAN INTERNATIONAL GROUP	1540	10/01/15	5.0500	15,000.00	14,433.45	14,018.35
APPALACHIAN POWER CO	1540	04/01/11	5.5500	6,000.00	5,998.78	5,931.80
ARIZONA PUBLIC SERVICE COMPANY	1540	10/15/11	6.3750	10,000.00	10,438.15	10,132.33
BERKSHIRE HATHAWAY	1540	05/15/12	4.7500	14,000.00	13,952.26	13,344.83
BUNGE LIMITED FINANCE CORP	1540	07/15/15	5.1000	9,000.00	8,955.93	8,215.73
CATERPILLAR FINANCE	1540	01/15/10	4.1500	22,000.00	21,953.80	20,983.08
CISCO SYSTEMS	1540	02/22/16	5.5000	95,000.00	94,565.85	91,661.63
COMCAST CORP	1540	11/15/05	6.5000	18,000.00	18,021.24	16,969.30
COMCAST CORP	1540	11/15/15	5.8500	18,000.00	17,875.52	17,359.87
COMCAST CORP	1540	03/15/37	6.4500	6,000.00	5,963.94	5,568.07
COMCAST CORP	1540	03/15/16	5.9000	5,000.00	4,993.10	4,829.02
CREDIT SUISSE USA INC	1540	03/02/16	5.3750	19,000.00	18,835.08	18,075.63
CREDIT SUISSE USA INC	1540	03/02/11	5.2500	12,000.00	11,853.00	11,767.98
DEVON FINANCING CORP	1540	09/30/11	6.8750	12,000.00	13,197.00	12,577.62
DIAGEO CAPITAL	1540	05/03/10	4.3750	11,000.00	10,962.93	10,521.01
FLEET CAPITAL TRUST II	1540	12/11/26	7.9200	12,000.00	12,681.96	12,393.53
GENERAL ELECTRIC CAPITAL CORP	1540	01/08/16	5.0000	27,000.00	26,823.96	25,370.59
HEINZ (H.J.) CO. 144A	1540	12/01/20	6.4280	8,000.00	8,238.32	8,093.59
JP MORGAN CHASE & CO	1540	06/01/11	5.6000	29,000.00	28,987.82	28,931.30
JP MORGAN CHASE CAPITAL XV	1540	03/15/35	5.8750	19,000.00	18,745.78	17,034.89
KANSAS GAS & ELECTRIC	1540	03/25/21	5.6470	6,000.00	5,672.76	5,814.45
MBNA CAPITAL B	1540	02/01/27	5.9488	5,000.00	4,940.00	4,934.95
MERRILL LYNCH & CO	1540	09/30/15	5.3000	50,000.00	49,859.00	47,312.31
MORGAN JP & CO INC	1540	04/24/27	0.0000	800,000.00	100,500.00	109,839.42
OHIO POWER COMPANY	1540	07/15/33	6.3750	100,000.00	99,180.00	93,414.13
PACIFIC GAS & ELECTRIC	1540	03/01/09	3.6000	10,000.00	9,990.30	9,494.83
PUBLIC SERVICE ELECTRIC & GAS CO	1540	11/01/08	4.0000	40,000.00	39,962.80	38,562.51
QWEST CAPITAL FUNDING CORP	1540	08/15/06	7.7500	60,000.00	61,500.00	60,075.00
SPRINT NEXTEL	1540	03/15/14	5.9500	10,000.00	10,320.00	9,791.19
UNITEDHEALTH GROUP INC	1540	03/15/16	5.3750	19,000.00	18,928.18	18,125.65
USX CORP	1540	07/15/23	8.1250	500,000.00	497,407.41	591,231.50
WELLPOINT INC	1540	01/15/36	5.8500	19,000.00	18,898.73	17,176.27
XTO ENERGY INC	1540	01/31/15	5.0000	11,000.00	10,645.36	10,196.94
				1,826,000.00	1,324,551.26	1,398,083.13
GRAND TOTAL ASSETS				6,285,842.77	7,408,019.75	7,872,498.75
Cash @ 5/31/06					0.92	
Total assets @ 5/31/06					7,408,020.67	

ALABAMA CULTURAL RESOURCES TRUST FUND
Settlements received

Original settlement received to establish Fund = 5,300,000.00
received during yr ending 9/30/92

Source = Retirement Systems of Alabama

Board of Advisors to the Historical Commission

The commission's enabling statutes establish a Board of Advisors to the Alabama Historical Commission consisting of no less than 15 persons. Each of the below listed societies, organizations, individuals, commissions and institutions have the authority to name one member of the board of advisors and to submit the name of the person to the chairman of the commission prior to the annual meeting of the commission:

- 1) The Alabama Division, United Daughters of the Confederacy
- 2) The Alabama Society of the Daughters of the American Revolution
- 3) The Alabama Society of the Daughters of the American Colonists
- 4) The Mobile Historic Development Commission
- 5) The National Society of the Colonial Dames of America in the State of Alabama
- 6) The Huntsville Historic Preservation Commission;
- 7) The Alabama Department of the Sons of Confederate Veterans
- 8) The Gorgas Memorial Board
- 9) The Hobson Memorial Board
- 10) The Cahaba Advisory Committee
- 11) The LaGrange Historical Commission
- 12) The Fort Morgan Historical Commission
- 13) The USS Alabama Battleship Commission
- 14) The Tennessee Valley Historical Society
- 15) The Montgomery Antiquarian Society
- 16) The Helen Keller Property Board
- 17) The Birmingham Historical Society
- 18) The Board of Trustees of the Mobile Museum Board
- 19) The Board of Trustees of the Montgomery Museum Board
- 20) The head of the department of history and the head of the department of archaeology of each accredited, four year, degree granting university and college located within the State of Alabama
- 21) The John H. Forney Historical Society
- 22) The Tuscaloosa County Preservation Society
- 23) The Blount County Historical Society
- 24) The Chattahoochee Valley Historical Society
- 25) The Dale County Historical Society
- 26) The Etowah Historical Society
- 27) The Hale County Historical Society
- 28) The Huntsville Historical Society
- 29) The North Alabama Historical Society
- 30) The Old South Historical Society
- 31) The Pike County Historical Society
- 32) The Society of Pioneers of Montgomery
- 33) The Eufaula Heritage Association
- 34) The Marengo Historical Society
- 35) The Historic Mobile Preservation Society
- 36) The Alabama Society, Sons of the American Revolution
- 37) The Alabama Society, Southern Dames of America

- 38) The Huguenot Society in Alabama
- 39) The Alabama Society of the Colonial Dames of the 17th Century
- 40) The Coweta Memorial Association
- 41) Any other local or regional historical society duly recognized by the commission which may exist or which may be created subsequent to August 19, 1966

The commission may further add to the advisory board such other civic, charitable and patriotic organizations as it may deem to be to the best interest of the commission.

Other advisory committees established in the commission's statutes include:

- **The Cahawba Advisory Committee**, composed of 16 members, 15 of whom shall be appointed by the Governor. The Judge of Probate of Dallas County shall be the sixteenth member but shall be a member ex officio and shall not be entitled to a vote on the advisory committee. Members of the advisory committee shall be appointed so that each congressional district is represented by one appointed member on the advisory committee; except, that the congressional district in which Cahawba is situated shall be represented by eight appointed members, five of whom shall be residents of Dallas County and three of whom shall be from some other county in the congressional district. The membership of the advisory committee shall reflect the racial, ethnic, gender, urban/rural, and economic diversity of the state.
- **The Alabama Council on Historic Pilgrimages**, to be established under the auspices of the Alabama Historical Commission with the council having the purpose of coordinating the efforts of each of the existing and proposed historic pilgrimages in the State of Alabama, whether publicly or privately sponsored.

The Council on Historic Pilgrimages shall consist of seven individual members, one being appointed from each of the six districts of the state as established by the Alabama Historical Commission and one being a representative of the Alabama Historical Commission. Additionally, there shall be two ex officio individual members, one representing the Alabama Travel Council and one representing the State Bureau of Tourism and Travel.

- **The Fort Tombeckbee Historical Advisory Board** to be appointed by the Governor for the purpose of advising the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest at Fort Tombeckbee in Sumter county. This advisory board shall be composed of three members who shall serve without compensation.

The advisory board shall advise the Alabama Historical Commission in acquiring title, possession or control of such properties and also of objects of historic interest at Fort Tombeckbee.

Commission Members



May 10, 2006



Mr. Glenn Davis
Examiner of Public Accounts
State of Alabama
POBox 302251
Montgomery, AL 36130-2251

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242•3184
fax 334 240•3477

Dear Mr. Davis:

Attached for your review is the listing of current Commissioners with term expirations and contact information.

Truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth Ann Brown", with a long horizontal flourish extending to the right.

Elizabeth Ann Brown
Interim Executive Director

Attachment

ALABAMA HISTORICAL COMMISSIONERS
WITH THE APPOINTING AUTHORITY

Last Name	First Name	Mailing Address & Phone Numbers	Email	Status	Term Expiration	Appointing Authority
Adams	James P.	The University of Alabama School of Social Work PO Box 870314 Tuscaloosa, AL 35487-0314 Office: 205.348.3924 Fax: 205.348.9419	jadams@sw.ua.edu	Secretary Vice Chair 2/2/05	7/6/06	Univ. of Alabama
Baxley	Hon. Lucy	Lieutenant Governor of Alabama State House 11 South Union Street, Suite 725 Montgomery, AL 36130	whendley@lgo.state.al.us	Ex-officio Member	Indefinite	Constitution
Bennett	Daniel D.	College of Architecture, Design & Construction 202 Dudley Commons Auburn University, AL 36849 Office: 334.844.4526	benncdd@auburn.edu	Treasurer 2/2/05	4/27/09	AL Council AIA
Bridges	Edwin C.	Department of Archives & History PO Box 300100 624 Washington Avenue Montgomery, AL 36130-0100 Office: 334.242.4441 Fax: 334.240.3125	ed.bridges@archives.alabama.gov	Member	Indefinite	Constitution
Cobbs, Jr.	Nicholas H.	1110 Main Street Greensboro, AL 36744 Office: 334.624.4202 Fax: 334.624.4283		Member	4/25/06	AL Historical Assn.
Cooper	J. Danny	522 Washington Avenue PO Box 4070 Montgomery, AL 36103 Office: 334.262.3808	danny@alabamarealtors.com	Member	1/9/10	Univ. of Montevallo
Drinkard	William "Bill"	Drinkard Development, Inc. PO Box 596 Cullman, AL 35056-0996 Office: 256.739.1815 Fax: 256.734.8500	Wdrinkard@drinkard.biz	Vice Chair Chair 2/2/05	11/12/06	Alabama Chamber of Commerce
Hammett	Hon. Seth	Speaker of the House State House Montgomery, AL 36130-2950 Office: 334.242.7668 Fax: 334.242.4015	sethcampbell@alhouse.org sseth@hindspring.com	Ex-officio Member	Indefinite	Constitution
Hawkins	Janico	110 McKinley Drive Troy, AL 36081 Office: 334.242.8114 Fax: 334.242.9192 Cell: 334.268.0556	jhawkins@alside.edu	Chair Term ended 2/2/05	1/30/10	Troy State Univ.
Hendrix	Bob	PO Box 8765 Dothan, AL 36302 Home: 334.673.7525 Office: 334.794.6622	bobhancey@gmail.aia.net	Member	9/30/06	Historic Chattahoochee Commission

Jakoman	Joff	Center for Arts & Humanities Pebble Hill Auburn University, AL 36849	jakemj@auburn.edu	Member	4/27/09	Auburn Univ.
Junkins	Hon. Bobby M.	Judge of Probate Etowah County PO Box 187 Gadsden, AL 35902 Office: 256.549.5334 Fax: 256.546.1149	bmjunkins@yahoo.com	Treasurer Term ended 2/2/05	10/19/06	At-Large
Lawley	Barnello	Dept. Of Conservation and Natural Resources Folsom Administration Building, Room 468 Montgomery, AL 36130-1450 Office: 334.242.3486 Fax: 334.242.3489	lawdamm@dnr.state.al.us	Member	Indefinite	Constitution
Marlin	Stephen	Alabama Education Association PO Box 4177 Montgomery, AL 36103 Office: 334.834.9790 Fax: 334.262.8377		Member	1/9/08	At-Large
Moulton	Geri	1202 Government Street Mobile, AL 36606 Home: 251.438.9558 Fax: 251.438.9668 Cell: 251.454.2069	StephenM@alaaedu.org	Member	5/3/06	Univ. of South Alabama
Paul	Vivian	Alabama Farmers Federation PO Box 848 Groves Hill, AL 36451 Home: 251.275.3949 Fax: 251.275.4150	vwpldip@tbs.net	Member	1/9/08	Farm Bureau Federation
Riley	Hon. Bob	Governor of Alabama Alabama State Capitol Building 600 Dexter Avenue Montgomery, AL 36130 Office: 334.242.7100 Fax: 334.242.4541		Ex-officio Member	Indefinite	Constitution
Sentell	Leo	Bureau of Tourism & Travel 401 Adams Avenue Montgomery, AL 36104 Office: 334.242.4169 Fax: 334.242.1478	LeeSentell@tourism.state.al.us	Secretary 2/2/05	Indefinite	Constitution
Sheldon	Craig	Auburn University at Montgomery Department of Sociology PO Box 244023 Montgomery, AL 36124 Office: 334.244.3765 Fax: 334.244.3740		Member	12/31/08	Alabama Arch. Society
Spencer	Guy	405 Echols Avenue Southeast Huntsville, AL 35801	csheeldon@mail.aum.edu	Member Appl. 2/4/05	1/31/11	At-Large
Tate	Kippy	State Building Commission 770 Washington Avenue, Suite 444 Montgomery, AL 36130-1150 Office: 334.242.4082 Fax: 334.242.4182	kate@bc.state.al.us	Member	Indefinite	Constitution
Note: *Persons serve as long as they are in office						